

TOWN OF HINGHAM

PLANNING BOARD RULES AND REGULATIONS

ADOPTED UNDER THE SUBDIVISION CONTROL LAW

AS AMENDED THROUGH MARCH 22, 2004

TABLE OF CONTENTS

SECTION 1 – AUTHORITY, PURPOSE AND LIMITATION	1
A. Authority	1
B. Purpose	1
C. Limitation	2
SECTION 2 - GENERAL	3
A. Definitions	3
B. Administration	5
C. Certification of Plans	5
D. Format	5
E. Waiver of Compliance	
F. Fee Regulations	5
G. Separability	9
H. Amendments	9
SECTION 3 - SUBMISSION AND APPROVAL OF PLANS	10
A. Plan Believed Not To Require Approval	10
(1) Contents of Plan Believed Not to Require Approval	10
(2) Fees	10
B. Preliminary Plan	11
(1) General	11
(2) Contents of Preliminary Plan	11
(3) Board Actions	11
C. Definitive Plan	12
(1) General	12
(2) Contents of Definitive Plan	12
(3) Review by Board of Health as to the Suitability	16
(4) Review by Other Officials	16
(5) Performance Guarantee	17
(6) Public Hearing	18
(7) Approval, Modification or Disapproval	18
(8) Certificate of Approval	18
(9) Inspection Fees	18
(10) Recording of Plan	19
(11) Revision of Definitive Plan	19
(12) Evidence of Satisfactory Performance	19
(13) Release of Performance Guarantee	21
(14) Reduction of Deposit or Letter of Credit	21
(15) Time of Completion of Ways and Installation of Municipal Services	21
(16) As-Built Plans	22
(17) Requirements for As-Built Plans	22

SECTION 4 - DESIGN STANDARDS	24
A. General	24
B. Streets (or Ways)	
(1) Types of Streets	24
(2) Location of Streets	25
(3) Width, Alignment and Grades of Streets	25
Table 1-Minimum Design Standards for Streets	26
(4) Dead-End Streets	27
C. Subsurface and Storm Drains	28
(1) Compatibility and General Design	28
(2) Groundwater Interception	28
(3) Storm Drains	28
D. Open Drainage Systems	29
E. Detention Areas	30
F. Easements	30
G. Sidewalks	30
H. Lots	31
I. Open Spaces	31
J. Protection of Natural Features	31
K. Cases in Which Ways Are Not Adequate	31
L. Municipal Services	31
M. Soil Surveys	32
N. Foot Paths, Bridle and Bicycle Paths	32
SECTION 5 - SPECIFICATIONS FOR CONSTRUCTION OF REQUIRED IMPROVEMENTS	33
A. General	33
B. Subdivision Layout	33
C. Clearing, Grubbing and Excavation	33
D. Drainage System	34
E. Municipal Services	35
F. Fill	36
G. Roadway Foundation	36
H. Roadway Surface	36
I. Sidewalks	37
J. Curbing	37
K. Grass Plots, Hydrants, Light Poles, Transformers, Junction Boxes and Fire Boxes	37
L. Street Trees	38
M. Side Slopes	38
N. Monuments	38
O. Street Signs	39
P. Cleaning Up	39
Q. Maintenance	39

SECTION 6 - INSPECTION	40
A. General	40
B. Notification to the Engineer	41
C. Lines and Grades	41
D. Inspection of Required Improvements	42
(1) First Inspection	42
(2) Second Inspection	42
(3) Third Inspection	42
(4) Fourth Inspection	42
(5) Fifth Inspection	42
(6) Sixth Inspection	42
(7) Seventh Inspection	42
(8) Eighth Inspection	42
(9) Ninth Inspection	43
(10) Tenth Inspection	43
E. Engineers Report	43
R-1 Inspection Report Form	44
R-2 Certification of Construction and Performance	45

FORMS

A. Plan Believed Not To Require Approval	46
Checklist for Form A Approval	47
B. Application for Approval of Preliminary Plan	48
C. Application for Approval of Definitive Plan	49
D. Performance Bond - Secured by Deposit	51
E. Covenant Form	52
F. Agreement	54
G. Certificate of Performance (Covenant Approval Release)	56

LIST OF FIGURES

Figure 1 Typical Road Cross Section	57
Figure 2 Turnaround and Island Plan (Minimum Requirements)	58
Figure 3 Example Storm Water Flow Chart	59
Figure 4 Wooden Guardrail	60

TOWN OF HINGHAM

RULES AND REGULATIONS

GOVERNING THE SUBDIVISION OF LAND

Adopted under the Subdivision Control Law of the Commonwealth of Massachusetts General Laws, Chapter 41, Section 81-K et seq.

SECTION 1

AUTHORITY, PURPOSE AND LIMITATION

A. Authority

Pursuant to the authority granted by Section 81-Q of Chapter 41 of the General Laws and for the purpose specified in Paragraph B of this Section, the Planning Board of the Town of Hingham has adopted the following Rules and Regulations governing the subdivision of land in the Town of Hingham.

B. Purpose

These subdivision regulations have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and insuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeal under the Subdivision Control Law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provision compatible with town municipal services and natural features existing as of the date of submission of a subdivision plan for approval, for water distribution, sewerage, drainage, protection of natural water sources, flood control, wetland areas, underground utility services, fire, police, and other similar municipal equipment, and street lighting; and other requirements where necessary in a subdivision; and for protecting, promoting and enhancing the natural beauty and amenities of the Town and coordinating the ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions. No subdivision shall be approved unless it complies with these Rules and Regulations and with the applicable provisions of zoning and other town bylaws and regulations and of the General Laws of the Commonwealth of Massachusetts, nor unless, in the opinion of the Board, such subdivision meets the requirements of public safety, including reasonable precautions against possible natural disasters, of traffic safety and convenience, or adequate water supply, storm water drainage and sewage disposal and is designed with due

regard to the rights, health and welfare of Hingham's inhabitants, including the residents of such subdivision. Proposed subdivisions shall conform to overall development plans adopted by the Planning Board and shall adhere to the principles of correct land use, sound planning and good engineering.

C. Limitation

No person shall make a subdivision of any tract, parcel, or lot of land into two or more lots in such a manner as to constitute a "subdivision" within the Town of Hingham, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a definitive plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided.

SECTION 2

GENERAL

A. Definitions

For the purpose of these Rules and Regulations, the following words and terms used herein are hereby defined as follows:

Abutter An owner or owners of property, which has (a) one or more boundaries or parts thereof, in common with the property being subdivided or, (b) has frontage in whole or in part directly opposite any portion of the property being subdivided or, (c) is deemed by the Planning Board to be affected by the proposed subdivision of land.

Applicant A person who applies for approval of a plan of a subdivision or who applies for a determination that approval is not required. The applicant (or applicants) shall be the owner (or owners) or the duly authorized agent or representative of the owner(s), or his or their assigns of all land included in the subject request for action before the Planning Board. If a plan for a subdivision of land is to be submitted by one representing to be the agent or assign of an owner, a notarized certificate shall be submitted, signed by the owner, authorizing the person filing the plan to act as agent or assign and the agent or assign shall also file sufficient documentation to explain the nature and extent of his own actual or potential interest in the land.

Board The Planning Board of the Town of Hingham.

Dead End Street A street, or network of streets, whether existing or proposed, which has only one public access from the remainder of the community street network. For the purpose of this definition, the length of the dead-end street shall be the sum of the lengths of all roadways beyond the limit of multiple access.(see also Sections 4,B.,(1),(d) and 4,B.,(4),(a))

Definitive Plan The plan of a subdivision as submitted (with appropriate application) to the Board for approval, in its entirety, to be recorded in the Registry of Deeds or filed with the Recorder of the Land Court when approved by the Board.

Department's Specifications The Standard Specifications for Highways and Bridges of the Massachusetts Highway Department, dated 1988 including all revisions thereto.

Department's Standards The Construction Standards of 1977 of the Massachusetts Highway Department, and all revisions thereto.

Developer Same as "Applicant".

Engineer A Registered Professional Engineer as defined in Chapter 112 of the General Laws, Section 81-D, as qualified in Chapter 112, Section 81-J and 81-M.

General Laws The General Laws of the Commonwealth of Massachusetts, with all additions thereto and amendments thereof. (Abbreviated G.L.)

Land Surveyor A Registered Professional Surveyor as defined in Chapter 112 of the General Laws, Section 81-D, as qualified in Chapter 112, Section 81-J and 81-M.

Lot An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings or for any other definite purpose.

Utility Services Sewers, surface and subsurface water drains, water pipes, fire hydrants, gas pipes, oil pipes, steam lines, electric lines or ducts, telephone lines or ducts, fire alarm cables and boxes, CATV, street lights, and their respective appurtenances, or other similar facilities.

Owner The person holding the ultimate fee simple title to a tract, parcel, or lot of land, as shown by the record in the Plymouth Registry of Deeds or Plymouth Registry of Probate. A certified copy of such record shall accompany any application.

Person An individual, two or more individuals, partnership, corporation, association, society, or any entity recognized by the General Laws, having common or undivided interests in a tract of land. Person shall also include, to the extent allowed by the General Laws, agents, administrators, executors, heirs, devisee, successors, and assigns.

Preliminary Plan A plan of a proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof, showing (a) the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan"; (b) the names of the record owner and the applicant and the name of the designer, engineer or surveyor; (c) the names of abutters, as determined from the most recent local tax list; (d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; (e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner; (f) the approximate boundary lines of proposed lots, with approximate areas and dimensions; (g) the names, approximate location and widths of adjacent streets; (h) and the topography of the land in a general manner.

Print A reproduction of an original drawing - dark line on white background.

Roadway A portion of a way which is designed and prepared for vehicular traffic.

Site A portion of a lot, tract or parcel of land provided for the location of a building, with the necessary or convenient amount of land adjacent to such building used or to be used in connection with such building.

Street A public way, a way approved under Subdivision Control Law, or a way having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the proposed use of the land abutting thereon or served thereby, (major, secondary, minor and limited residential streets are defined in Section 4,B. of these Regulations).

Subdivision The division of a tract of land into two or more lots and as further defined in Section 81-L, Chapter 41, G.L.

Subdivision Control Law Sections 81K to 81GG, inclusive of Chapter 41 of the General Laws and any acts in amendment thereof.

Way A way shall be the full strip of land designated as a way or street as distinguished from the roadway.

B. Administration

No plan shall be deemed to have been submitted to the Board until said plan, together with all application forms, fees and other items as required and executed as specified herein has been delivered in person to the Board at a meeting thereof, or by registered mail to the Planning Board by the owner of the land involved or his authorized agent. If so mailed, the date of receipt shall be the date of submission of the plan. (For matters not covered by these Rules and Regulations, reference is made to Sections 81-K to 81-GG, inclusive, Chapter 41, G.L.)

C. Certification of Plans

All definitive plans submitted to the Board shall include a certification as to their conformance in every respect, with these Rules and Regulations and as to the validity of their content executed by a person registered in the Commonwealth of Massachusetts as a land surveyor or professional engineer or both as required by the Board. If the Plan fails to comply in any respect with these Rules and Regulations, then the definitive plans must be accompanied by a list, certified by said land surveyor or engineer, setting forth each and every Regulation with which the Plan does not comply, the location and nature of the noncompliance, and the reason therefor. The Board suggests that the owner be represented at any meeting with the Board by the person responsible for the design of the subdivision and the preparation of the plans.

D. Format

All information submitted to the Planning Board shall be typewritten.

E. Waiver of Compliance

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Board, such action is in the public interest, and not inconsistent with the Subdivision Control Law. The application for approval of a definitive plan must be accompanied by a written request for waiver of strict compliance with these Rules, identifying with particularity the regulation sought to be waived, the nature and location of the waiver sought, and a demonstration certified by the applicant's surveyor or engineer that such waiver is consistent with each of the purposes set forth in Section 1,B. of these Rules and Regulations.

F. Fee Regulations

(1) Purpose

These regulations and fees schedules have been adopted to produce a more equitable schedule of fees which more accurately reflects the costs of technical and legal review of applications to the Planning Board; to take advantage of the procedures offered by G.L. c. 44, s. 53G; to establish a review procedure in the selection of consultants; and to promote more informed decision-making by the Planning Board.

(2) Fee Structures and Regulations

- (a) General. The Planning Board shall impose reasonable fees for the review of applications that come before it. The Planning Board may impose Administrative Fees and Project Review Fees as may be applicable to the types of applications set forth below.

- (b) Form of Payment. All Administrative and Project Review Fees shall be paid by bank or certified check.
- (3) Administrative Fees
 - (a) Applicability. An Administrative Fee shall be assessed to offset the expense of processing and review with regard to all applications set forth in Section 3(c), below.
 - (b) Submittal. Administrative Fees shall be submitted at the time of the submittal of the application. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.
 - (c) Schedule of Administrative Fees. The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the Zoning By-Laws, the Rules and Regulations for the Subdivision of Land, and any listings which may have been compiled from time to time for the benefit of applicants.
 - (i) Approval Not Required (ANR) Plans - \$100.00
 - (ii) Preliminary Plans – \$200.00
 - (iii) Definitive Plans – \$500
 - (iv) Modification of a Preliminary Plan- No Fee
 - (v) Modification of a Definitive Plan-No Fee
 - (vi.) Site Plan Review by Planning Board for Special Permit or Building Permit–No Fee
 - (d) Fee Waivers. The Planning Board may waive or reduce any Administrative Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.
 - (e) Refund. Once the review process has been commenced, the Planning Board shall not refund Administrative Fees, including the case of withdrawal of the application by the applicant.
- (4) Project Review Fees
 - (a) Applicability. In addition to an Administrative Fee, the Planning Board shall impose a Project Review Fee on those applications which require, in the judgment of the Planning Board, review by outside consultants due to the size, scale, or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professions able to assist the Board and to ensure compliance with all relevant laws, ordinances, by-laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.

- (b) Submittal. Project Review Fees shall be submitted at the time of the submittal of the application for deposit in an account established pursuant to G.L. c. 44, s. 53G (53G Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.
- (c) Schedule of Project Review Fees. The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the Zoning By-Laws, the Rules and Regulations for the Subdivision of Land, and any listings that may have been compiled from time to time for the benefit of the applicants. Where more than one type of application has been submitted for Planning Board action, only the largest of the applicable Project Review Fees shall be collected for deposit into the 53G Account, and not the sum of those fees.
 - (i) Preliminary Plan: \$.50 per each 1 foot of way within the subdivision
 - (ii) Definitive Plan: \$1000 plus \$3.00 for each foot of proposed or reconstructed roadway in excess of 400 feet.
 - (iii) Modification of a Preliminary Plan: To be determined by the Board
 - (iv) Modification of a Definitive Plan: To be determined by the Board
 - (v) Site Plan Review by Planning Board for Special Permit or Building Permit As needed, fee determined per Section I-I (2) of the Hingham Zoning By-Law
- (d) Replenishment. When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed above, the Planning Board shall consider whether to require a supplemental Project Review Fee to cover the cost of the remaining project review.
- (e) Inspection Phase. After granting of a Definitive Plan approval, the Planning Board will require a Supplemental Project Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process, as follows: five dollars (\$5.00) times the number of linear feet of proposed or reconstructed ways within or without the subdivision.
- (f) Handling of Project Review Fees. The Project Review Fee is to be deposited into a special account as set forth in G.L. c. 44, s. 53G.
 - (i) Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from this account.
 - (ii) Project Review Fees shall be turned over to the Town Accountant by the Planning Board for deposit into a 53G Account.
 - (iii) Confirmation of the establishment of the 53G Account shall be forwarded from the office of the Town Accountant to the Planning Board office as soon as it is received for timely and accurate accounting.

- (iv) The Town Accountant shall prepare a report on activity in the 53G Account on an annual basis. This report shall be submitted to the Planning Board and Selectmen for their review. This report shall also be printed in the Annual Report for the Town.
- (v) An accounting of an applicant's funds held in the 53G Account may be requested by the applicant at any time. The Planning Board shall respond to the request in a timely fashion.
- (vi) An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
- (vii) Excess fees in the 53G Account, shall be returned to the applicant or the applicant's successor in interest, at the conclusion of the review process, as defined below. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

Conclusion of the Review Process

- (1) With the approval or disapproval of a Preliminary Subdivision Plan.
- (2) With the disapproval of a Definitive Subdivision Plan.
- (3) With the release of the performance bond at the end of construction of an approved Definitive Subdivision Plan.
- (4) With the final inspection or the approval or disapproval on all other types of applications under the Zoning By-Law, which ever comes later.

(6) Delinquent Accounts.

The following rules apply to fees owed to the Planning Board by applicants:

- (a) Consequences. Projects with accounts past due will be notified by the Planning Board. If no payment has been received after 30 days, the Board reserves the right to stop work on any project with past due accounts.
- (b) Costs of Collection. All costs of collection associated with past due accounts shall be borne by the applicant.
- (c) Current Delinquents. All applicants owing fees to the Planning Board at the time of any amendment to these provisions of the regulations shall be sent the following:
 - (i) A duplicate notice of the amount past due.
 - (ii) A copy of the applicable sections of these regulations with all amendments clearly indicated.
 - (iii) Notice of a 30-day grace period before the commencement of any changes in interest rate or charges.

(7) Revision of Fee Schedules and Regulations Governing Fees.

The Planning Board may review and revise its regulations and fee schedules, from time to time, as it sees fit.

- (a) Amendments shall be preceded by a public hearing.
- (b) Any new regulations or alterations to the fee schedule shall take effect upon filing a copy of the amendments with the Town Clerk.

G. Separability

If any section, paragraph, sentence, clause or provision of these Regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged, and the remainder of these Regulations shall be deemed valid and effective.

H. Amendments

These Regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board after a public hearing on its own motion or by petition.

SECTION 3

SUBMISSION AND APPROVAL OF PLANS

A. Plans Believed not to Require Approval (ANR or Form A Plans)

1. Submittal Requirements

Any person wishing to cause to be recorded in the Registry of Deeds or filed with the Recorder of the Land Court a plan of land in the Town who believes that the plan does not require approval under the Subdivision Control Law, G.L. c.41, S81P, may submit such plan to the Board with six prints thereof, together with a properly executed application in the form shown as Form A in the Appendix hereto, which form may be changed from time to time by the Planning Board, and accompanied by the necessary evidence to show that the plan does not require approval, and also shall file (by delivery or registered mail, postage prepaid) with the Town Clerk a notice thereof stating the date of such submission and accompanied by a copy of the application. The applicant's attention is specifically called to the documentation requirements set forth in Section 2,A., Applicant and Owner, of these Rules.

2. Contents of Plan Believed Not to Require Approval

Such plan shall be at a scale of either 1" = 40' or 1" = 80' and shall include:

- a. Date, scale, north point
- b. Assessor's plan number for each parcel referenced
- c. Name of the applicant, or person for whom the plan was prepared
- d. Name, seal and signature of the engineer or surveyor preparing the plan
- e. Zoning district classification, including all overlay districts
- f. All land included in the Floodplain and Watershed Protection District and all other delineated wetlands and floodplain
- g. Lot area, frontage and all other applicable zoning dimensions
- i. Metes and bounds of all existing lots whose dimensions are altered by the Plan, of all proposed lots and of any contiguous lots in common beneficial ownership with any land that is the subject of the plan.
- j. Locus plan at a scale of at least 1" = 800' containing sufficient information so that the land can be readily located, including streets bounding or near the property.
- k. For a compiled plan, the identity of the plans from which it was compiled must be noted on the plan, including the title and date of the plan, the person who prepared the plan, date of preparation and approval by the Planning Board, and the recorded reference to the Plan in the Registry of Deeds or Land Court.

3. Approval Process

If the Board finds that the plan does not require approval, it shall, without a public hearing endorse thereon the words "Approval under the Subdivision Control Law Not Required". Such endorsement shall not be deemed to constitute any determination of compliance with requirements of the Zoning By-Law. If the Board determines that in its opinion the plan requires approval, it shall within 21 days notify the Town Clerk and the applicant of its determination to that effect.

4. Fees

For a plan believed not to require approval, there shall be an administrative fee as set forth in Section 2(F) of these Rules and Regulations for each Form A application submitted.

B. Preliminary Plan

1. General

In the case of a residential subdivision, a preliminary plan of a subdivision may be submitted to the Board and to the Board of Health by the applicant for discussion and consideration by the Boards prior to the submission of a definitive plan. In the case of a nonresidential subdivision, it is required that the applicant shall submit a preliminary plan. The submission of such a preliminary plan will enable the applicant, the Planning Board, the Board of Health and other municipal agencies to discuss and clarify the problems relating to such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in every case.

2. Application Procedure

- a. An application for consideration of the Preliminary Plan shall be made accompanied by eight (8) sets of the Preliminary Plan, together with a properly executed application in the form shown as Form B in the Appendix hereto, which form may be changed from time to time by the Planning Board, and a Project Review Fee as set forth in Section 2(F) of these Rules and Regulations.
- b. The applicant shall also, by delivery or registered mail, give written notice to the Town Clerk stating the date of submission of the Preliminary Plan and accompanied by a copy of the completed application.
- c. Attention is directed to the Hingham Board of Health Supplementary Rules and Regulations for the Disposal of Sanitary Sewage, for percolation tests and other Board of Health requirements.
- d. The attention of the applicant is directed to the provisions of Massachusetts General Laws, Chapter 131, Sections 40 and 40A, if any wetlands are included in the proposed subdivision.
- e. The attention of the applicant is directed to the requirement of the Massachusetts Highway Department that a permit be obtained before any work is performed within a State highway layout. Its permit will require a specific geometric design for street connections.

2. Contents of Preliminary Plan

The Preliminary Plan shall be drawn at a scale of 1"=40' or such other scale as the Board may accept. Said plan shall be identified as a Preliminary Plan and show clearly and adequately the information required to form a clear basis for a discussion of the problems and the preparation of the Definitive Plan. The Preliminary Plan should include as many of the following as practicable to insure sufficient discussion of relevant design issues:

- a. All information specified in items (a) through (e), (i), (j), (o) and (p) under the Contents of the Definitive Plan (Section 3,C.,(2)).

3. Board Actions

During the discussion of the Preliminary Plan the complete information required for the Definitive Plan, the filing fees and the municipal services will be discussed. The Board may give such Preliminary Plan its approval, with or without modification or disapprove said Plan, stating reasons for such disapproval. Approval, if given, does not constitute approval of a subdivision, but does facilitate the procedure in securing final approval of the Definitive Plan.

The Planning Board shall act on the Preliminary Plan within forty-five (45) days of the date of submission. Any plan submitted to the Board in advance of a Definitive Plan which does not conform to the minimum requirements pertaining to a Preliminary Plan specified in Chapter 41, Section 81-L shall not be so designated, nor shall such plan be given approval by the Board.

C. Definitive Plan

(1) General

An applicant seeking approval of a Definitive Plan of a subdivision shall file with the Board the following:

- (a) The original drawings of the Definitive Plan and fourteen (14) prints thereof.
- (b) A properly executed application in the form shown as Form C in the Appendix hereto, which form may be changed from time to time by the Planning Board. The application shall be signed by the applicant. The application shall state all easements and restrictions, and mortgages to which the land is subject and all easements and restrictions appurtenant to such land over the land of others, and shall include reference to any recorded plan of the land in question. The applicant's attention is specifically called to the documentation requirements set forth in Section 2,A., Applicant and Owner, of these Rules.
- (c) The applicant shall, with the submission of a Definitive Plan, submit to the Planning Board a Project Review Fee as set forth in Section 2(F)(4)(c) of these Rules and Regulations. These Funds will be handed over to the Town Accountant for deposit into a special account (a 53G account) as set forth in G.L. c. 44, s. 53G and Section (2)(F)(4) of these Rules and Regulations. The Applicant is directed to Section 2(F)(4) of these Rules and Regulations, which lays out all requirements and details relating to Project Review Fees, including fees for modification of definitive plans, replenishment of 53G accounts, and return of excess fees at the conclusion of the review process. The failure of the applicant to make the initial deposit and to maintain the account in accordance with Section 2(F) of these Rules and Regulations, shall be grounds for disapproval of the plan.
- (d) A sketch plan showing a possible or prospective street layout for any adjacent unsubdivided land, whether or not owned or controlled by the owner or subdivider of the subdivision, unless such a plan has already been filed with the Board. In the case where the applicant does not own or control any contiguous land, a statement to this effect shall appear in the application.
- (e) The applicant shall submit calculations for the determination of all waterway openings to justify culvert and drain sizes as required by Section 4,C.,(3),(c). Such calculations shall be

prepared by a Registered Professional Engineer, shall be based on the Rational Method and be accompanied by a watershed area plan justifying said calculations.

- (f) The applicant shall submit calculations prepared by the Soils Conservation Service method to determine peak outflow from the site under existing and proposed conditions.

(2) Contents of the Definitive Plan

The Definitive Plan shall be clearly and legibly drawn on mylar or linen acceptable to the Registry of Deeds or Land Court at a scale of one inch equals forty feet or such other scale as the Board may accept to show details clearly and adequately. The sheet size shall be 24" x 36" with a minimum 2" border on the left hand side. If multiple sheets are used, the key map (see (e) below) shall show the extent of coverage of each sheet. The Definitive Plan shall include the following:

- (a) Subdivision name, north point, date, scale, bench mark and datum, date of original plan with provisions for dates and descriptions of any revisions. All elevations to refer to National Geodetic Vertical Datum of 1929.
- (b) Names and addresses of record owner, applicant and the applicant's engineer and surveyor, and the seal and signature of said engineer and surveyor together with proper certification as required in Section 2, paragraphs C. and E.
- (c) Boundary lines of the subdivision with the names of all abutters (including those separated from the subdivision by a way) and any other person required to receive notice of the Public Hearing in accordance with Section 3,C.,(6) of these Rules, and the area of the adjoining parcels as determined from the most recent tax list. The zoning classification of all included property and all abutting and affected property shall be noted on the plan.
- (d) Existing and proposed lines of roadways and their width; ways and their width; sidewalks, foot paths, bridle, and bicycle paths and their width; easements and their purpose, and any public or common areas within the subdivision. The proposed names of ways shall be shown.
- (e) Location and names of ways bounding, approaching or within the vicinity of the subdivision as well as the ways of the subdivision. This information shall be in the form of a key map or location plan at a scale not smaller than one (1) inch equals 800 feet.
- (f) Sufficient data to determine readily the location, direction and length of every way line, lot line and boundary line of the proposed subdivision, and to establish these lines on the ground.
- (g) Boundary lines, areas and dimensions of all proposed lots, including the area of Flood Plain and Watershed Protection District and Accord Pond Watershed and Hingham Aquifer Protection District included within each such lot, with all lots designated numerically and in sequence. Where the frontage dimension given in item (f) is less than that required, the width of the lot at the setback line also shall be given.
- (h) Location of all permanent monuments properly identified as to whether existing or proposed.

- (i) Location of natural waterways, swamps and water bodies, and Flood Plain and Watershed Protection District and Accord Pond Watershed and Hingham Aquifer Protection District boundaries within and adjacent to the subdivision.
- (j) The proposed system of drainage to include the size, location and material of all subsurface drains, storm drains and culverts and the location of all catch basins and manholes within and adjacent to the subdivision. Pipe invert elevations shall be given at all drainage structures and outfalls. The method of conducting the drainage to a natural waterway shall be described completely and conform to Sections 4 and 5 herein.

A complete description of the compatibility of the proposed system of drainage with town municipal services and waterways existing as of the date of submission of the Definitive Plan shall be provided. Runoff calculations shall be submitted to substantiate the adequacy of the proposed drainage system within and outside of the subdivision together with the existing town municipal services and waterways to be utilized for discharge from the subdivision.

A schematic drainage diagram shall be provided for each stormwater system, including the station and offset location of each structure with rim and invert elevations, high ground-water elevations, pipe grades, maximum and minimum flow rates and velocities, and outfall maximum and minimum flow rates with 10-year flood elevations. Where detention areas are utilized, outfall, 10-year flood and discharge structure invert and flow elevations shall be shown with velocity and discharge rates. High groundwater elevations shall be provided for all detention areas. An example of an appropriate diagram is shown in Figure 3.

Wherever a proposed outfall pipe, swale, channel or drainage ditch will discharge to a stream, brook, pond, marsh, or other wetland as may be identified by the Planning Board, said wetland being either perennial or seasonal, the ten year flood elevation shall be shown on the plan. If experience at a particular location indicates that the ten year flood elevation is exceeded at a frequency of greater than one in ten years, the Planning Board may require that a higher flood elevation be shown. The Board may seek advisory opinions and data from the Conservation Commission and others in establishing the flood elevation at the point of discharge.

Whenever it is proposed to discharge drainage across land not owned by the applicant, the applicant must demonstrate an easement or other legal right to do so.

Where open drainage systems are employed, the plan shall show the gradient of all cross slopes and swales or channels. Elevations shall be shown on the plan every 100 feet along the swale line and at all changes in gradient along that line.

- (k) All existing and proposed municipal services and their appurtenances shall be shown in such detail as necessary to coordinate all such services. An approved utility plan (or plans) accurately showing all electric street lighting, water, fire alarm, hydrants, sewer, storm drains, gas, oil lines, telephone, and other municipal services may be submitted with the Definitive Plan. Written approvals, if any, of the responsible officials (Section 3,C.,(4)) shall be endorsed on the utility plan (or plans). The Board shall review and approve, modify and approve or disapprove the plans for municipal services and utilities as part of its approval.
- (l) Location, size (diameter, breast, height) and species of proposed street trees.

- (m) Suitable space near the title block of each sheet for recording thereon the action of the Planning Board and the Board of Health with respect thereto.
- (n) A separate layout plan for each proposed way in the subdivision, at a horizontal scale of forty (40) feet to an inch, showing for each such way the proposed exterior lines and the centerline of way with the centerline stations, tangent bearings, angle points, points of intersection, points of curvature, points of tangency, radii of curves, length of curves, intersection angles and length of tangents. Information relative to the exterior lines, (lot lines) shall be repeated in all instances where it is different from that given for the centerline. The centerline and its descriptive information shall be in red; all other data shall be in black. The layout plan shall show the location of permanent monuments, together with all lot lines with frontages, buildings, walks and drives. The layout plan also shall show the size, location and elevation of all storm drains, open drainage systems, subsurface drains, and all other municipal services, together with their appurtenances, existing or proposed for each way. All municipal services shall be shown on the layout plan by the use of symbols the same as those used by the Massachusetts Department of Public Works for work performed under Chapter 90, G.L.

On the same sheet, there shall be drawn cross sections of the proposed way, properly located and identified by station number, at such intervals along the way as will adequately indicate any variations in its section, supplemented, where necessary, by lines on the layout plan showing the width and location of proposed roadways, grass plots, gutters, sidewalks and similar physical features. Provided, however, that where all cross sections of the way will coincide with the appropriate cross section shown on the Board's Typical Cross Section Plan, such agreement may be indicated by proper notation on the layout plan, and the cross section drawings may be omitted therefrom with the prior approval of the Board.

Directly below the layout plan of each proposed way, a profile shall be drawn at a horizontal scale of forty (40) feet to an inch and a vertical scale of four (4) feet to an inch, showing for such street existing centerline grades in fine solid lines, existing exterior line grades in fine dash lines, and proposed finished centerline grades in heavy solid lines. Proposed grade elevations shall be shown by figures at fifty (50) foot stations, except on vertical curves where they shall be shown at twenty-five (25) foot stations and at PVC and PVT. Rates of gradient in percentage shall also be shown. Lines and figures for the proposed edge of roadway shall not be shown, except when the roadway is in other than a normal cross section. Lines and figures indicating proposed grades shall be in red; all other data shall be in black. All elevations shall be referenced to the datum of 0.00 equals mean sea level as established by the National Geodetic Vertical Datum of 1929. Profiles shall also indicate the location of any intersecting public or private ways, and the location of existing and proposed storm drains, including pipe invert elevations and gradients, subsurface drains, connecting swales or channels, and all existing and proposed municipal services and their appurtenances.

The layout plan shall have a space provided next to the title block for the date and brief description of any revisions made thereto subsequent to the approval of the subdivision by the Board. This space also shall include a space for the signature of the Chairman or other authorized member of the Board as evidence of the Board's approval of each revision made thereto.

Where only one way with a length of less than one thousand (1,000) feet is proposed, the information required by item (n) (layout plan, cross sections, and profile) may be shown either on the same sheet as items (a) through (m), or on a separate sheet, but where one way with a length greater than one thousand (1,000) feet or more than one way is proposed, the layout plan, cross sections and profile (item (n)) shall be shown together on a separate sheet for each way or portion thereof. All such sheets, together with those showing items (a) through (m) shall be deemed to constitute the Definitive Plan of the subdivision.

- (o) All natural and historical objects and major site features, such as natural waterways, water bodies, swamps, rock ridges and outcroppings, stone walls, fences, buildings, etc.
- (p) Existing and proposed topography of the land at a contour interval of two (2) feet except in cases where the Board directs that a smaller contour interval is necessary in order to adequately interpret the topography of the land, or agrees that the natural surface of the ground may be adequately represented by contours with larger intervals.

Items (o) and (p) shall be shown on a separate sheet or sheets at the same scale as the above plans and shall be drawn with pencil on tracing paper or ink on cloth with all boundaries, lot and way lines of the subdivision shown thereon.

Earthwork quantities shall be submitted with the Definitive Plan for all roadway and other grading. An Earthwork Summary shall be provided, indicating total surplus or borrow quantities. Disposal areas within the subdivision for surplus earth or rock excavation, unsuitable materials and tree stumps shall be noted on subdivision topographic plans. If materials are to be disposed of outside the subdivision boundaries, a plot plan of the site of disposal at a scale one inch equals eighty feet, including a locus plan and property ownership, shall be provided indicating the location of disposal areas outside the subdivision. Wetlands and floodplain lines shall be shown on all plans identifying disposal areas.

- (q) Such other information as may be required by the Board to evaluate the proposed subdivision.
- (r) The horizontal alignment of the centerline of each proposed way shall be staked upon the ground at the time of the filing of the Definitive Plan.

(3) Review by Board of Health as to Suitability of the Land

At the time of filing of the Definitive Plan, the subdivider shall also file with the Board of Health two prints of the Definitive Plan, and in unsewered areas, shall submit a topographic plan with two foot contour intervals and comply with other Board of Health requirements, including percolation tests and test excavations, as specified in "Supplemental Rules and Regulations for the Disposal of Sanitary Sewage".

The Board of Health shall within forty-five days after filing of the plan, report to the Planning Board in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report. Every building lot so located that it cannot be served by a connection to the municipal sewer system shall be provided with a sewage disposal system approved by the Board of Health.

(4) Review by Other Officials

Before the Definitive Plan is submitted, the Applicant is encouraged to consult with and may obtain written statements that the proposed improvements shown on a utility plan, (3,C.,(2),(k)), are laid out to the satisfaction of the official and for the facilities listed below:

- (a) Superintendent of the Department of Public Works as to the design of the street system, location of easements, design of the drainage system including appurtenances and compatibility with existing municipal services and waterways, effect on traffic congestion and safety in public ways adjacent to the subdivision and the location, size and species of street trees.
- (b) The Chief of the Fire Department as to the location of the hydrants, adequacy of water flow at the hydrant, and the layout of the fire alarm system, including location of boxes.
- (c) The Sewer Commissioners as to the requirements for provision for connections to and compatibility with the sewer system and, if required, the layout and design of the necessary connecting mains, laterals, manholes and stubs for such system. In such cases, review by the Sewer Commissioners will include the profiles of the streets.
- (d) The Manager of the Massachusetts-American Water Company as to the location and size of water mains, including service to the fire hydrants.
- (e) The Hingham Municipal Light Board as to the requirements for electricity.
- (f) The Gas Company as to the location and size of gas mains.
- (g) The Telephone Company as to the location of the telephone lines.
- (h) The Postmaster of the Hingham Post Office, as to the type of delivery mail proposed.
- (i) The Conservation Commission as to requirements under the Wetlands Act (G.L. Chapter 131, Sec. 40 and 40A) and the Flood Plain and Watershed Protection District.

(5) Performance Guarantee

Before endorsement of a Definitive Plan of a subdivision, the applicant shall agree to complete the required improvements as shown on the Definitive Plan and as specified in Section 5 for all lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant:

(a) Final Approval with Deposit or Irrevocable Letter of Credit

The applicant shall file a deposit of money or negotiable securities, or an irrevocable Letter of Credit, or whichever of the aforementioned is deemed by the Board to provide adequate security in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements as shown on the Definitive Plan and as specified in Section 5 not covered by a covenant under (b) below. Such security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the

Town Accountant, and shall be contingent on the completion of such improvements within two years of the date of the irrevocable Letter of Credit or deposit of money. The form of the deposit may be as given by Form D or Form F in the Appendix, or as otherwise required by the Board and shall be contingent upon the completion of said improvements within two years of the date of the Agreement. At the discretion of the Board, a time extension may be granted for a period not to exceed one (1) year; provided that such an extension may be conditioned upon an increase in the amount of such security as determined by the Board.

(b) Final Approval with Covenant

The applicant shall file a covenant acceptable to the Board executed and duly recorded by the owner of record, running with the land, whereby such improvements as shown on the Definitive Plan and as specified in Section 5, not covered by a deposit under (a) above, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed. A suggested, but not required, form of the covenant is given by Form E in the Appendix; hereto, which form may be changed from time to time by the Planning Board.

(6) Public Hearing

Before approval of the Definitive Plan is given, a public hearing shall be held by the Board at the time and place designated by the Board. Notice of the time, place, and subject matter of such hearing will be given by the Board once in each of two successive weeks, the first publication being at least fourteen (14) days prior thereto, by advertisement in an official publication of, or in a newspaper of general circulation in the Town of Hingham. A copy of said notice will be mailed to the applicant and to all owners of land abutting upon the subdivision and to anyone else entitled to receive notice of any hearings held in accordance with Chapter 40A Section 12 of the General Laws, as appearing in the most recent tax list.

(7) Approval, Modification or Disapproval

In the case of a nonresidential subdivision or a residential subdivision where a preliminary plan has been filed and duly acted upon, or where 45 days has elapsed since the submission of the preliminary plan, and a definitive plan has been submitted, the Board shall take action within 90 days of submission, or such further time as may be agreed upon at the written request of the applicant.

In the case of a residential subdivision where no preliminary plan has been submitted, or where 45 days has not elapsed since the submission of a preliminary plan, the Board shall act within 135 days of submission, or such further time as may be agreed upon at the written request of the applicant.

(8) Certificate of Approval

The action of the Board in respect to said Plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by certified mail to the applicant. Approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signature of the person officially authorized by the Board, but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk, and said Clerk has notified the Board that no appeal has been filed and not until any and all modifications or conditions set forth in the Certificate of Approval are incorporated in the

Definitive Plan to the satisfaction of the Board. In any case, approval of the Definitive Plan shall not constitute the laying out or acceptance by the Town of any ways within a subdivision.

(9) Inspection Fees

After granting of a site plan approval or Definitive Plan approval, the Planning Board will require a Supplemental Project Review Fee, as set forth in Section 2(F)(4)(e) of these Rules and Regulations for the purpose of insuring the availability of funds during the inspection phase of the review process. These funds will be handed over to the Town Accountant for deposit into a special account (a 53G account) as set forth in G.L. c. 44, s.53 G and Section 2(F)94) of these Rules and Regulations. The Applicant is directed to Section 2(F)(4) of these Rules and Regulations, which lays out all requirements and details relating to 53G accounts.

The failure of the applicant to make the initial deposit and to maintain the account in accordance with Section 2(F) of these Rules and Regulations shall be grounds for rescission of the approval of the plan and for disapproval. The full cost of any special non-scheduled inspections deemed necessary by the failure of construction to proceed entirely in accordance with the approved plan, or as a result of any question concerning the accuracy of any data provided by the applicant at any time, shall be borne by the applicant.

(10) Recording of Plan

After the return to the applicant of the Definitive Plan as approved and endorsed, he shall cause to be recorded at the Plymouth Registry of Deeds and, in the case of registered land with the recorder of the Land Court, said plan, including all sheets thereof, with covenant if any, and shall pay all fees and costs related to the registry of the plan. After such plan, or modification thereof, is approved by the Board it shall be recorded within six (6) months or the applicant shall be required to apply to the Planning Board or Town Clerk for a certificate, dated within thirty days of the time of recording, that the approval has not been modified, amended, or rescinded, nor the plan changed. Furthermore, the applicant shall notify the Board of such recording, submitting evidence thereof, satisfactory to the Board, before the commencement of any work upon the subdivision. Upon receipt of notification of recording, the Board shall file one print of the Definitive Plan with the Building Commissioner. Where approval with covenant is noted thereon, he shall issue no permit for the construction of a building on any lot within the subdivision except upon receipt from the Board of a copy of the certificate of performance (Form G) releasing the lot in question.

(11) Revision of Definitive Plan

If the applicant desires to make revisions due to field conditions or for any reason whatsoever, he shall submit a reproducible copy of the Definitive Plan or plans to be revised with a colored pencil representation of the changes he proposes to make together with a written request for modification, and a request for waiver of these Rules and Regulations with the information required by Section 2,E., if appropriate. The Board will consider such change in the same manner as consideration of the original plan and approve, disapprove or modify the requested change with or without a public hearing as the Board may determine. The change as approved shall then be incorporated on the original Definitive Plan or a mylar or linen reproduction thereof, and prints shall be filed as required of the original plan. Upon approval of the modification, the modification shall be recorded in accordance with (10) above.

(a) Work Inconsistent with the Approved Plan

No work may proceed that is inconsistent in any respect with the approved plan, even if such work is pursuant to an order, decision, ruling or regulation of any other municipal, state or federal agency or tribunal. It is the burden of the applicant to seek modification of the approved plan, to incorporate such order, decision, ruling or regulation, or to otherwise reconcile the inconsistencies.

(12) Evidence of Satisfactory Performance

Before the Board will release the interest of the Town in an irrevocable Letter of Credit or deposit of cash or, in the case of approval with a covenant, issue a release of the covenant:

- (a) The applicant shall pay all fees as specified in Section 3,C.,(9) and Section 2(F)(4)(e) to cover the cost of inspections, and shall submit copies of receipts, releases, or other acceptable evidence that all due hydrant rentals, municipal light rentals, or other bills for municipal services have been paid to date.
- (b) The applicant shall be responsible for filing with the Planning Board as-built plans of the ways of the subdivision. The as-built plans shall be clearly identified as such, and shall include the profile plans and shall meet the requirements as to format and content as given in Section 3,C.,(16) for the Definitive Plans.

Where the ways, utilities and appurtenances of the subdivision have been installed according to the approved Definitive Plan (including approved subsequent amendments) the engineer may make certification in the form shown as Form R-2 in the Appendix hereto, which form may be changed from time to time by the Planning Board, to that effect which shall be submitted with the request for release of performance guarantee or the statement of performance to the Town Clerk. Evidence shall be submitted from each inspection report (Section 6) supporting such a certification. If the Planning Board concurs, the Definitive Plan or addenda to the Definitive Plan shall be sufficient to satisfy the requirement for as-built plans.

As-built plans may be mylar reproductions of the Definitive Plans. The as-built plans shall represent the as-built conditions of all work and appurtenances constructed as a requirement of the subdivision and shall show accurately all municipal services installed as part of the subdivision. As a condition precedent to the preparation of the as-built plans, the applicant shall engage the necessary engineering services to properly record the location of the municipal services installed, and the as-built plans shall contain a certification (see Section 2,C.) by such engineer that the municipal services were installed in the locations as shown on the plans. The as-built plans shall be submitted as a condition of the release of the bond or covenant, as required for the approval of the Definitive Plan, and a condition of approval by the Planning Board of acceptance of the ways by the Town Meeting.

- (c) The Board shall obtain from its engineer the complete inspection form (R-1) as given in Section 6 to the effect that all work required by these Rules and Regulations has been completed for each way in the subdivision (or way or ways serving the lots in question), and that he has approved the methods of construction and the materials used in the performance of such work.
- (d) The applicant shall obtain from the Chief of the Fire Department a statement, which shall be submitted to the Board, that he has approved the installation of the hydrant system for each way in question and that the installation of the fire alarm cable and boxes has been approved by the Fire Chief.

- (e) The applicant shall obtain from the Superintendent of the Department of Public Works a statement, which shall be submitted to the Board, that he has approved the location, size and species of street trees, the construction of the streets and the installation of the drainage system, including appurtenances.
- (f) The applicant shall obtain from the Sewer Commission a statement, which shall be submitted to the Board, that they have approved the installation of the sewer system as required by them.
- (g) The applicant shall obtain from the Municipal Light Board a statement, which shall be submitted to the Board, approving the installation of the street lights and electric power service.
- (h) The applicant shall obtain a statement from the Chairman of the Conservation Commission that appropriate guarantees have been received, measures have been taken, or orders of condition have been complied with to the satisfaction of the Conservation Commission, where applicable, with respect to the protection of wetlands under Chapter 131, Sections 40 and 40A of the General Laws, and with respect to the Flood Plain and Watershed Protection District Bylaw.
- (i) The Board may at its discretion require the applicant to obtain, at his own expense, additional professional engineering advice as to the satisfactory completion of the construction of each street or way in the subdivision, drainage systems within and outside of the subdivision, water mains and their appurtenances, and installation of all other services required according to the Definitive Plan.
- (j) The improvements of the subdivision shall endure twelve (12) months without substantial degradation. The twelve (12) months runs from the completion of all of (a) through (i) and the completion of the rest of any repairs or corrections required by the Board.

(13) Release of Performance Guarantee

Upon the completion of the improvements as shown on the Plan, and as required herein, security for the performance of which was given by deposit, Letter of Credit or covenant, or upon the performance of any covenant with respect to any lot, the applicant may request and agree on terms of release with the Board, or he may send by registered mail to the Town Clerk a written statement, in duplicate, that the said construction or installation in connection with such deposit, Letter of Credit or covenant has been completed in accordance with the requirements contained in these Rules & Regulations, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Board.

If the Board determines that said improvements have been completed, it shall release the interest of the Town in such irrevocable Letter of Credit and return the deposit to the person who furnished the same, or release the covenant by appropriate instrument (Form G) duly acknowledged, with a copy to the Building Commissioner, except that the Board shall retain a deposit of 10% of the original security for a period of 12 months after completion of the subdivision to insure the integrity of the construction. If the Board determines that said improvements have not been completed, it shall within forty-five (45) days of the receipt of the applicant's statement by the Town Clerk, specify to the applicant in writing the details wherein said improvements fail to comply with its Rules & Regulations.

(14) Reduction of Deposit or Letter of Credit

Upon written application of the applicant stating reasons therefore the amount of any deposit held hereunder, or Letter of Credit may from time to time be reduced at the discretion of the Board and the obligations of the parties thereto released by said Board in part in the form shown as Form F in the Appendix hereto, which form may be changed from time to time by the Planning Board. At no time shall the amount be reduced to less than 10% of the original amount.

(15) Time of Completion of Ways and Installation of Municipal Services

Every applicant shall state in his application the time which he agrees to complete the proposed ways and to install the drainage system, water pipes, gas pipes and electric lines, and all other municipal services required by the Board. A condition of the approval of the Definitive Plan shall be conditioned upon the completion of the ways and the installation of municipal services within 24 months of the date of application, unless a longer period is expressly requested in the application with the justification therefore, and unless a longer period is expressly allowed in the certificate of approval.

In the event the work is not completed within the time set forth or as extended, the Board shall rescind its approval and require the reapplication and filing of a new Definitive Plan.

(16) As-Built Plans

The developer shall supply as-built plans for each and every way of the subdivision, and the subdivision shall not be considered complete until the Board accepts the as-built plan. The as-built shall include the following:

Requirements for As-Built Plans

1. Legend on each page of the plan that the plan was prepared in compliance with the Rules & Regulations of the Registers of Deeds and must be signed and sealed by a registered land surveyor.
2. On each page of the plan a blank space, as required, to be reserved for use by the Registry of Deeds which is marked "FOR REGISTRY USE ONLY".
3. The metes and bounds for ways must be complete so as to permit a continuous metes and bounds description of the area of the way. This would include a line or lines, or an arc or arcs, identified as to metes and bounds locating the end of the area of a way which intersects with another way.
4. On each page of the plan signature lines:
 - a. For Planning Board Approval or endorsement that approval is not required, as applicable.
 - b. For the Board of Selectmen.
 - c. For the Town Clerk; date of filing; date of acceptance.

5. All easement areas:
 - a. Must be clearly indicated with metes and bounds shown.
 - b. If a drainage easement is shown on the Plan, then the Plan must show the body of water, stream, river or other terminus for drainage flow as well as all other drainage easement areas through which drainage must flow to reach its terminus.
6. Each parcel or lot of land shown on the plan (including all parcels abutting any way and all parcels crossed by or abutting a drainage easement) must be identified on the plan by a lot or parcel number (preferred method) or by the name(s) of current owners.
7. All registered land shown on the plan should be identified by Land Court plan number or Land Court case number or Land Court Certificate of Title number.
8. All abbreviations or codes used on the plan should be explained by the use of a legend inscribed on the plan.
9. A certification by the engineer that the municipal services were installed at the locations as shown on the plans.

SECTION 4

DESIGN STANDARDS

A. General

Plans for a subdivision will not be approved unless the subdivision and its ways are laid out in compliance with the requirements of these design standards. It should be noted that these design standards are considered as a minimum acceptable to the Board under its Rules and Regulations for subdivision control. Applicants are encouraged to design the subdivision at a level above these standards so as to create an attractive subdivision with the maximum livability, usefulness, and amenity.

It was not intended that these design standards would be applicable to all possible situations which may arise in the design of a particular subdivision. In situations not covered herein, and particularly in the case of subdivisions for business or industrial purposes, planned unit development, multifamily development, and similar large scale developments, the subdivision shall be designed to the satisfaction of the Board in accordance with such design standards as will satisfy the purpose of the Subdivision Control Law. In such cases, due consideration will be given to the prospective character of the subdivision, the anticipated amount of travel upon the ways therein, and/or to the relevant factors of the particular situation.

B. Streets (or Ways)

(1) Types of Streets

The following types of streets are hereby established for the purpose of developing design criteria in accordance with the expected use and type of traffic anticipated thereon.

- (a) Major Streets A street which, in the opinion of the Board is being used or will be used as a thoroughfare between different portions of the Town of Hingham, or which will be the principal access to a business or industrial subdivision.
- (b) Secondary Street A street intercepting several minor streets and which, in the opinion of the Board may carry traffic from such minor streets to a major street or community facility, including the principal access streets or principal circulation streets of residential subdivisions, and including all streets, except those designated as major streets, or a business or industrial subdivision.
- (c) Minor Street A street which, in the opinion of the Board is being used or will be used primarily to provide access to abutting lots, and which is not intended for use by through traffic.
- (d) Limited Residential Street A street, or network of streets, less than 400' in length ending in a turnaround and which intersects no other streets except at its origin, which may never serve more than 7 lots, which in the opinion of the Board is of such topography that its layout and design in accordance with the Minimum Design Standards for limited residential streets creates no risk to the public safety or convenience, and which the developer agrees will never be lengthened. The requirements of this section shall be guaranteed by a covenant running

with the land of the subdivision and each lot thereof. The Board will not entertain any request for waiver of the length limitation or design requirements for such a street.

(2) Location of Streets

- (a) General The streets shall be designed and located so as, in the opinion of the Board, to be continuous and in alignment with existing streets; to provide adequate access to all lots in the subdivision, by streets that are safe and convenient for travel; to lessen congestion in such streets and adjacent public streets; to reduce danger from the operation of motor vehicles; to secure safety in case of fire, flood, panic and other emergency; to insure compliance with applicable Zoning By-laws; to secure adequate provision for proper drainage and water, sewers and other municipal services, compatible with existing town municipal services and waterways; and to coordinate the streets in the subdivision, with each other and with the existing street system of the Town, and the streets in neighboring subdivisions.
- (b) The proposed streets shall be designed and located so as to conform so far as practicable to the Master Plan if any, as adopted in whole or in part by the Board.
- (c) Provision, including grant of legal right, satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided. Where, in the opinion of the Board, access, safety and congestion considerations necessitate, a developer shall be required to construct or improve at his own expense, private ways outside the subdivision to connect adequately with public ways.
- (d) Due consideration will be given by the Board to the attractiveness of the layout and to the conformance of the ways to the topography.
- (e) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- (f) In case access to a subdivision crosses land in another municipality, the Board may require certification, from appropriate authorities, that such access is in reasonable accord with the Master Plan and conforms to subdivision requirements of such municipality and that a legally adequate performance bond has been duly posted or that such access is adequately improved to handle prospective traffic.
- (g) The intersection of proposed streets of the subdivision with existing private or public ways must conform to all design standards of these Rules as if the intersection were entirely within the subdivision.

(3) Width, Alignment and Grades of Streets

- (a) The criteria contained in Table 1 shall be referenced to AASHTO chapters observed in the design of streets. The layout shall be designed to achieve the following minimum stopping sight distances with unobstructed visibility: for (a) limited residential streets, 150 feet; (b) minor through streets and secondary streets, 250 feet; and (c) major streets, 500 feet.

Table I
Minimum Design Standards for Streets

Type of Street Way	Width of Right of Way	Width of Traveled	Edge Treatment	Sidewalk	Minimum Centerline Radii	Maximum Centerline Grade	Minimum Centerline Grade	Minimum Curb Radius at Street Intersection	Minimum Length of Tangent Between Reverse Curves	Depth of Pavement	Sub-base
Major	70'	40' *	24" CCB ES or VGC with 2" shoulder	5' ES	500'	5%	1%	50'	150'	3" Base 3" Top	24" - 6" Lifts
Secondary	55'	28' *	24" CCB ES or VGC with 2" shoulder	5' OS	300'	5%	1%	30'	100'	3" Base 1. 5" Top	24" - 6" Lifts
Minor	46'	22'	18" CCB ES	5' OS	200'	8%	1%	30'	0	3" Base 1. 5 " Top	24" - 6" Lifts
Limited Residential	40'	18'	18" CCB ES	- 0 -	150'	8%	1%	30'	0	2. 5" Base 1. 5" Top	24" - 6" Lifts

LEGEND: CCB = CAPE COD BERM ES = EACH SIDE OS = ONE SIDE VGC = VERTICAL GRANITE CURB

These design specifications represent minimum standards. More stringent design criteria shall be required by the Board when deemed necessary for present and future vehicular traffic.

Notes:

- * The Board may require that the traveled way be separated by a raised median strip with a width to be determined by the Board. In this case, the traveled way shall consist of two roadways, each with a minimum width of 20 feet or such greater width as the Board may specify.

Major and secondary streets shall be superelevated in the cross section in the horizontal curve in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Policy on Design of Urban Highways and Arterial Streets 1973. The maximum superelevation shall be 0.06 ft. per foot (6 percent). Secondary streets shall be designed for a speed of not less than 30 mph and major streets for a speed of not less than 40 mph.

- (b) The Board may require delineation of adequate easements of slope on adjoining land in proper cases.
- (c) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees.
- (d) Streets intersecting another street shall be laid out opposite one another or shall be a minimum of two hundred (200) feet between centerlines measured along the centerline of the intersected street.
- (e) Where the angle of intersection between two streets varies more than ten (10) degrees from a right angle, the radius of the curve at the curb line at the obtuse angle shall be less and at the acute angle shall be correspondingly greater than the radius specified in Section 4,B.,(3),(a) above to the extent approved or required by the Board.
- (f) A leveling area shall be provided having not greater than three (3) percent grade for a distance of one hundred (100) feet, measured from the nearest right-of-way line of the intersecting street.
- (g) All changes in grade exceeding five tenths (0.5) of one percent shall be connected by vertical curves of sufficient length to afford the sight distances required in sub-paragraph (3),(a) above.
- (h) In the case of a subdivision in which connections to the Town sewer system are required, the sanitary sewer system within the subdivision shall be subject to the approval of the Sewer Commissioners.

(4) Dead-End Streets

- (a) Dead-end streets, excepting limited residential streets, shall not be longer than 800' in length. A dead-end street shall be measured from the nearest point of multiple access and then along the centerline or centerlines of the street or streets to the furthestmost limit or limits of the right-of-way of the required turnaround. For the purposes of this regulation, the point of multiple access shall be the intersection of the dead-end street's centerline with the right-of-way limit of the intersected way or ways.
- (b) Dead-end streets shall be provided at the closed end with a turnaround having an exterior line (way line) radius of at least sixty-five (65) feet, the roadway to have a radius of at least fifty-five (55) feet. An island of 30 feet in radius, suitably landscaped with grass, ground cover, trees, natural rock and/or elements blending with the surroundings shall be provided in the center of the turnaround. The island shall be enclosed with sloped granite curbing with 6" reveal from the roadway pavement. (See Figure 2 for Turnaround and Island Plan). An island shall not be required in a temporary turnaround; however, the turnaround shall be paved. When the dead-end street is extended, the turnaround easement shall terminate, and the applicant shall be required to remove, regrade, and restore the turnaround area to the satisfaction of the Planning Board.

C. Subsurface and Storm Drains

(1) Compatibility and General Design

All subsurface drains and storm drains and systems thereof shall be constructed in a manner which will ensure their complete compatibility with the existing town municipal services, wetland resource and flood plain areas and waterways. The drainage systems shall be designed to the satisfaction of the Planning Board with provision for such facilities and arrangement thereof as in the Board's opinion are reasonably necessary to provide adequate disposal of surface water from all streets and land within and adjacent to the subdivision.

Drainage systems shall be designed so as to avoid the flooding of downstream properties through the maintenance of existing rates of runoff. Where site or downstream flooding currently exist, the proposed drainage system shall be designed such that the existing volume of storm water passing from the proposed subdivision shall be maintained during the downstream flood period. These Regulations specifically prohibit retention or direct subsurface discharge of storm water.

(2) Groundwater Interception

Subdivision roads shall be designed in a manner which ensures that roadway storm drains and structures are placed above high groundwater. Evidence of high groundwater in low or cut areas shall be observed by the Planning Board's engineer and be provided to the Board as part of the definitive subdivision application. Subdrains shall be installed in all ledge cuts and shall extend at least fifty (50) feet beyond the limits of such cuts. The subdrain shall consist of a minimum of one longitudinal drain for each side of the paved roadway. In addition, laterals may be required as directed by the Board in areas in which an undue amount of water could accumulate in the subgrade. The system of subdrains shall be discharged into the storm drain system or be disposed of in a manner satisfactory to the Board.

(3) Storm Drains

A complete storm drain system shall be designed for each street of the subdivision to the satisfaction of the Board and shall be so laid out and of sufficient size to permit unimpeded flow of all portions of the street system so that water does not accumulate thereon, to intercept storm water runoff from the adjacent lots of the subdivision, and to eliminate undesirable or unnatural accumulation of water on any portion of the subdivision or surrounding property, and to be completely compatible with the existing town municipal services and waterways. Those conditions which result from a ten (10) year storm shall be assumed as a basis for the design of the street drains. Twenty five (25) year conditions shall be the basis for design of stream culverts passing beneath roadways. Storm water connections from abutting property into roadway drain systems is prohibited. The storm drain system shall include berms, gutters, catch basins, manholes, culverts, drain lines, concrete headwalls, detention areas and such other items as may be required to complete the system to the satisfaction of the Board.

- (a) Catch basins shall be used exclusively for the roadway drain system's intake of surface storm water and shall be located in pairs, one on each side of the roadway, at all low points or sag curves in the roadway, at intervals of not more than three hundred (300) feet on continuous grades of the roadway, not more than one hundred fifty (150) feet to either side of a low point, at or near the corners of the roadway at intersecting streets, and at the end of turnarounds pitched toward the dead end or at the neck if pitched toward the open end of road. Invert and rim elevations shall be shown on both plan and profile.

- (b) Manholes shall be located at all changes in direction of a drain line, either horizontally or vertically, or at the intersection of two (2) or more drain lines, or so located that no drain line greater than three hundred (300) feet in length would exist without a manhole. Manhole inlet and outlet inverts shall be at the same elevation. Manholes shall not be used to slow the flow of storm water. Invert and frame elevations shall be shown on both plan and profile.
- (c) Culverts shall be designed on the assumption that the entire drainage area is built up to that density and in the manner which the applicable section of the Zoning By-Law allows. All culverts shall have a standard concrete or masonry headwall at each end, and any culvert over thirty (30) inches in diameter shall have standard concrete wing walls. Culverts having inside diameters of eighteen (18) inches or greater shall be enclosed at each end with a secure metal grille.
- (d) All the drains shall be a minimum of twelve (12) inches in diameter and shall be laid on a slope of not less than one-half of one (0.5) percent. The designed maximum velocity shall not exceed twelve (12) feet per second, and the minimum velocity designed for shall not be less than two (2) feet per second. All outfalls shall extend to, and be compatible with, either a natural waterway or an existing drainage system. Where detention areas are used to control storm water runoff, the detention area shall be considered a part of the drainage system. Discharges into detention areas shall be above the area's 10 year flood elevation. The ground elevation of all outfall pipes, swales, channels or drainage ditches discharging to a stream, brook, pond, marsh or other wetland shall be at or above the 10 year flood elevation; or at higher elevations if required by the Planning Board because of special local situations based on consultation with the Conservation Commission and others (see 3,C.,2,(j)). Provision shall be made for the disposal of surface water intercepted or collected by the system in such manner that no flow is conducted over Town ways, or over the land of others unless a drainage easement is obtained. Where adjacent property is not subdivided, provision shall be made for extensions of the system by continuing appropriate drains to the boundary of the subdivision at such size and grade as will allow their proper projection.
- (e) A standard concrete or masonry headwall, with wing walls where required, shall be provided at the outfall end of all drains.
- (f) A tide gate shall be provided at the discharge end of all drainage outlets into tidal waters.
- (g) Proper connections shall be made with the existing public drainage system. Where adjacent property is not subdivided or developed, provision shall be made for extension of the system by continuing appropriate drains to the exterior boundaries of the subdivision at such size and grade as will allow for their proper projection. Where the Planning Board determines that the public interest and the best interest of the Town and the subdivision will be served by extension of the drainage system outside the boundaries of the subdivision, the Planning Board may require the Applicant, at his own expense, to continue the layout and construction of the drainage system to a point outside the boundaries of the subdivision where the drainage system may be connected to, and be compatible with, either a natural waterway or an existing public drainage system.

D. Open Drainage Systems

Open drainage systems of swales, ridges and slopes shall be designed to fit the natural contour of the land as much as possible. Disturbed land shall be landscaped to conform to the surrounding area and planted to eliminate the possibility of erosion and siltation. In no case shall side slopes in disturbed areas be greater than twenty-five (25) percent. Swales and drainage channels shall

have a minimum grade of one-half (0.5) percent and a maximum grade of four (4.0) percent, although for small areas draining not more than one half acre, grades of up to ten (10) percent are permissible. The ground shall be sloped so that there is no stagnant water or artificial pools on the site attributable to the open drainage system. Drainage channels and swales shall be provided with easements which shall also permit access by the Town of Hingham for maintenance purposes. Easements shall conform to Section 4,E. of these Rules and Regulations.

Where the Planning Board determines that the public interest and the best interest of the Town and the subdivision will be served by extension of the drainage system outside the boundaries of the subdivision, the Planning Board may require the Applicant, at his own expense, to continue the layout and construction of the drainage system to a point outside the boundaries of the subdivision where the drainage system may be connected to, and be compatible with, either a natural waterway or an existing public drainage system.

E. Detention Areas

Areas designed to detain storm water shall be constructed of natural earth materials with loam and seed surface treatment. The detention areas shall be designed so as to blend into the existing topography. Side slopes of detention areas shall not exceed twenty five (25) percent and shall be placed beyond the limits of wetland and flood plain resource areas and above high groundwater elevations. Detention areas should be sized based upon surface discharge through an appropriate flow constraining device to be approved by the Planning Board. No groundwater discharge through surface percolation shall be considered in sizing detention areas. Subsurface storm water discharge is not permitted by these Rules and Regulations.

F. Easements

- (1) Easements for municipal services shall be provided as required and shall be at least twenty (20) feet wide (exclusive of underground services) and centered on the lot line where practical.
- (2) Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water courses, drainage way, channel or stream, to provide for construction, maintenance, or other necessary purposes.

G. Sidewalks

Sidewalks of adequate width (Figure 1) shall be constructed beside the roadway along each way in a subdivision as follows:

Major Streets - both sides

Secondary Streets - one side

Limited Residential Streets - no sidewalks

Minor Streets - one side

H. Lots

All lots within a subdivision shall comply with the Zoning By-Law of the Town of Hingham, or with the terms of any variance from such requirements which may have been specifically granted by the Board of Appeals. Percolation tests shall be required in accordance with the Supplementary Rules and Regulations for the Disposal of Sanitary Sewage of the Hingham Board of Health.

I. Open Space

Before approval of a plan the Board may also, in proper cases, require the plan to show a park or parks suitably located for playground or recreation purposes, or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks for a period of not more than three years without its approval.

J. Protection Of Natural Features

Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots and similar community assets which, if preserved, will add attractiveness and value to the subdivision or to the Town.

K. Cases In Which Ways Are Not Adequate

In any case in which the Board deems that ways either within or outside of the subdivision not adequate, it may approve the plan on conditions limiting the lots upon which buildings may be erected and the number of buildings that may be erected on particular lots without further consent by the Board to the access provided, and in each such case shall endorse such conditions on the plan to which they relate, or set them forth in a separate instrument attached thereto to which reference is made on the plan and may require the applicant to record a covenant running with the land of the subdivision and each lot thereof guaranteeing the limitations set as a condition of its approval as set forth in this section. The Board may deem said ways to be not adequate if such ways, either within or outside the subdivision, fail to meet the Design Standards set forth in these Rules.

L. Municipal Services

- (1) The Board will require that the plan show municipal services of the kinds existing in the public ways nearest to the subdivision, or which in the opinion of the Board are likely to be laid in such public ways within the reasonably near future, and which will be necessary for the health, safety, or convenience of the prospective occupants of the subdivision.
- (2) The municipal services and sleeves for house connections shall be located as shown on the "Typical Road Cross Sections". The number and type of sleeves for house connections will be as directed by the Board.
- (3) The design of the sewer system, if required, shall be as directed and approved by the Sewer Commissioners.

- (4) The design of the water system and provision for hydrant service shall be as directed or approved by the Manager of the Massachusetts-American Water Company. Where adjacent property is not subdivided or developed, provision shall be made for proper projection of the sewer system, if required, by continuing appropriate mains to the exterior boundaries of the subdivision at such size and grade as will allow for the projection.
- (5) The location and type of hydrants, and size of pipe serving the hydrants, shall be as directed or approved by the Chief of the Fire Department. A minimum flow of 1,000 gallons of water per minute shall be required at the hydrant. Proper and compatible connections shall be made with the existing public water, and where required, sewer systems. Where in the opinion of the Planning Board the capacity of an existing public system is inadequate to accommodate the entire subdivision, the Planning Board may, at its option, either (i) approve only that portion of the subdivision which in its opinion can be adequately accommodated, or (ii) require the Applicant to make arrangements satisfactory to the Board for connecting the subdivision water pipes with a proper water supply.
- (6) The location and type of the fire alarm boxes and point of entry into the subdivision of the connecting fire alarm cable shall be as directed by the Fire Chief. The applicant shall furnish and install the necessary ducts, fire alarm boxes and electric cable.
- (7) The design and location of the electric power system shall be as directed by the Municipal Light Board, and the design and location of street lighting shall be as agreed upon by the Municipal Light Board and the Planning Board.
- (8) The applicant shall consult with the Telephone Company relative to the installation of telephone service.
- (9) All electrical, telephone and other utility wires shall be placed below ground in every subdivision unless the Board determines that such placement is not feasible or is not in the best interest of the Town.

M. Soil Surveys

Where appropriate, the Planning Board may require soil surveys to establish the suitability of the land for the proposed storm and sanitary drainage installations.

N. Foot Paths, Bridle and Bicycle Paths

The location and width of foot paths, bridle and bicycle paths will be designed to maximize the safety of the path users and to minimize interference with public and private ways.

SECTION 5

SPECIFICATIONS FOR CONSTRUCTION OF REQUIRED IMPROVEMENTS

A. General

All improvements specified or implied on the Definitive Plan shall be constructed or installed by the applicant in accordance with the provisions of this Section of the Rules and Regulations or as directed by the Board. The applicant, at his own expense, shall furnish all necessary materials, labor and equipment which may be required to complete the work called for or implied on the Definitive Plan. Items not specifically mentioned herein shall be constructed in accordance with the Standard Specifications for Highways and Bridges of the Massachusetts Department of Public Works, dated 1988, and including revisions thereto (hereinafter referred to as the Department's Specifications) unless specifically directed otherwise by the Board.

All work performed by the applicant as a consequence of these Rules and Regulations will be subject to the review and acceptance or approval of the Board. Prior to the commencement of construction, including clearing of the site, the applicant shall meet with the Planning Board to discuss construction inspection procedures. The applicant shall present to the Board a construction schedule which may be modified by written notice providing a minimum seven calendar days to allow for proper inspections. Therefore, the Board will employ a Registered Professional Engineer for purposes of inspecting the work. In order that the Board's engineer may properly inspect the work as it progresses, the applicant will keep the Planning Board informed of the progress of the work on a timely basis and shall provide safe and convenient access to all parts of the work for inspection by members of the Board or its engineer or such persons as the Board may designate. No work will be approved which has been covered prior to inspection by subsequent work. Reference should be made to Section 6 for specific inspections required by the Board.

B. Subdivision Layout

The subdivision, including all way lines and all drain lines and municipal services, shall be laid out as to line and grade by a registered land surveyor and a certificate filed with the Board to this effect. (Refer: Section 3,C.,(12),(b)).

Any work, which in the opinion of the Board has not been properly laid out or does not conform to the Plans, may be checked by a Registered Land Surveyor employed by the Board. If the Board determines that such work does not conform to the Plan and that the Plan was based upon erroneous data or calculations provided by the applicant, or which was correctly laid out upon such erroneous data or calculations, the applicant shall pay all costs which the Board incurs as a consequence of checking the work. The Board may require the removal and correct replacement of any work which has been incorrectly laid out.

C. Clearing, Grubbing and Excavation

The entire area of each way within its exterior lines shall be cleared of all trees not intended for preservation, stumps, brush, roots, rocks or boulders and all perishable or unsuitable material.

The entire area to be occupied by the roadway plus an additional four (4) feet or extending outward to the toe of slopes in fill areas, whichever is greater, shall be excavated a minimum of twenty-four (24) inches below finished grade in cut sections or as necessary to remove the topsoil in fill sections or such greater depth as may be required by the Board's engineer if soft or yielding material, clay, peat, silt, sand pockets, boulders or rocks, organic material, or other material detrimental to the subgrade is encountered. All fill or undisturbed material shall be non-frost susceptible and shall contain not more than three (3) percent passing the 0.02 millimeters sieve for a minimum depth of four (4) feet below the finished roadway grade.

Trees intended to be preserved shall be protected from injury by suitable fencing at or beyond the drip line or by wells if in fill. The engineer will make an inspection when this phase of the work is completed.

D. Drainage System

The construction of the drainage system, including methods of construction and quality of materials, shall conform to the applicable sections of the Massachusetts Highway Department's Specifications except as modified hereafter or as approved by the Planning Board as a waiver of its Rules and Regulations.

All storm drains shall be laid with a minimum of two and one-half (2 1/2) feet of cover. All joints shall be sealed by caulking and cement mortar.

All catch basins shall be constructed of brick (either clay or concrete), or of cement concrete, or of cement concrete blocks, laid in mortar and plastered on the outside, and shall have a standard twenty-four (24) inch square frame and crossed grate cover appropriate for the passage of bicycles. A granite mouth curb shall be furnished and set where vertical or sloped granite curbing is utilized. Where Cape Cod Berms are used, the catch basin and cover shall be laid so as to be slightly below the roadway pavement, which shall be suitably tapered toward the cover, and direct surface water flow to the catch basin. The placement of catch basin frame and grate in relationship to roadway gutterlines shall be six (6) inches into a Cape Cod berm or at the face of granite curbing.

No pipe shall extend into a catch basin more than three (3) inches beyond the inside face of the wall. Gas traps shall be utilized over outlet pipes within a catch basin. All catch basins shall have an inside diameter of at least four (4) feet, shall be constructed with a minimum depth of three (3) feet below the invert of the outflow pipe, and as otherwise shown in accordance with the Construction Standards of 1988 of the Massachusetts Highway Department (herein after referred to as the MHD Construction 1977 Standards).

All manholes shall be constructed of the same materials as permitted herein for catch basins except that a standard heavy twenty-six (26) inch diameter cover and frame shall be furnished and set, and all other details shall be as shown in the MHD Standards for manholes.

The subsurface drainage system as shown on the approved Definitive Plan, or as ordered by the Board during construction, shall be constructed of not less than 6-inch diameter perforated Schedule 80 PVC pipe with all joints firmly clamped, perforations turned up, and laid to line and grade. (Details as per MHD Construction Standards 209.1.0)

All drainage pipe shall end in a concrete or masonry headwall having dimensions as specified in the Department's Standards and constructed in accordance with the Department's Specifications.

The concrete shall have a minimum compressive strength of 3000 pounds per square inch after twenty-eight days curing.

All tide gates shall be of standard manufacture, of the same size as the outfall pipe, cast-iron frame and flap each fitted with bronze seat and subject to the approval of the engineer.

The Planning Board's engineer will inspect the completed drainage system or sections thereof prior to placing any backfill.

All trench backfill for the storm and subsurface drains and other backfill within the limits of the way shall conform to the base course requirements and shall be deposited to required subgrade in not more than six (6) inch layers and compacted to 95% of the maximum dry density as determined by modified Proctor Test, in accordance with ASTM D-1557-70, Method "D".

E. Municipal Services

- (1) The applicant shall provide and install all necessary materials, appurtenances and equipment to complete the municipal services as may be required by the Definitive Plan in a manner acceptable to the Planning Board and the officials or agency having jurisdiction of each service as previously mentioned herein. All costs incurred by the applicant as a consequence of installing and maintaining such municipal services as the Board requires, including hydrant and municipal electric light rental, shall be paid by the applicant, including all costs which may be incurred for any reasons whatsoever until such time as the Town assumes the responsibility for such service. The Board will not take any action to have the applicant reimbursed for any costs so incurred.
- (2) The fire alarm system connection will be made by the Hingham Fire Department using materials which shall be furnished by the applicant as specified by the Fire Chief.
- (3) The type of hydrants and type and size of pipe serving the hydrants shall be as directed or approved by the Fire Chief.
- (4) The type and size of pipe, fittings and appurtenances for the water system shall be as directed or approved by the Massachusetts-American Water Company.
- (5) All materials and work in connection with the sewer system shall be as directed and approved by the Sewer Commissioners or authorized agents.
- (6) All materials and work in connection with the street lights and electric power service shall be as directed and approved by the Hingham Municipal Light Board.
- (7) All work in connection with the municipal services shall be left uncovered until such time as the Board's engineer permits the backfill to be placed. The applicant shall notify all utility companies, with municipal services installed or to be installed within the ways, as to the date and time he intends to place the gravel base course and the paving so that such utility company may properly record the location of pertinent features of the system so that they will not be covered or lost as a result of the paving operation.

- (8) All trench backfill material for the municipal services within the way limits shall conform to the base course requirements and shall be deposited to required subgrade in not more than 6 inch layers and compacted to 95% of the dry density as determined by modified Proctor Test, in accordance with ASTM D-1557-70, Method "D".

F. Fill

All fill material which may be required within the exterior lines of the way up to the gravel foundation shall be of clean gravel or other suitable material as approved by the engineer and compacted to 95% of the maximum dry density as determined by modified Proctor Test, in accordance with ASTM D-1557-70, Method "D". All municipal services including but not limited to storm drains, subdrains and drainage structures and sewers if required within the way lines shall be installed prior to the completion of the fill. This shall include the installation of each service pipe, sleeve or conduit to the front lot line of each lot in the subdivision. Upon the completion of the fill and the backfill of all service trenches, the work will be inspected by the Board's engineer. Subsequent work shall not be commenced until the engineer has approved the fill as acceptable for the application of the roadway foundation material.

G. Roadway Foundation

A minimum of twenty-four (24) inches of clean gravel, as approved by the engineer, shall be deposited in not more than six (6) inch layers for the full width of the way so as to form a roadway foundation which shall be at all points parallel to the finished grade of the roadway surface. Each layer of the gravel shall be compacted to 95% of the maximum dry density as determined by the modified Proctor Test, in accordance with ASTM D-1557-70, Method "D". The gravel shall conform to the following gradation:

<u>Sieve Size</u>	<u>% of Passing By Weight</u>
3"	100
2	95-100
1	60-100
3/4	55-95
1/2	48-85
3/8	44-80
#4	33-68
10	23-55
20	15-43
40	8-34
80	2-22
200	0-10
.02 mm	0-3

The engineer will inspect the roadway foundation after the completion of each six (6) inch layer.

H. Roadway Surface

- (a) All roadways shall be paved to conform with the finished grade and width as specified with Class I Bituminous Concrete Paving Type I-1 in accordance with the Department's Specifications and subject to the approval of the engineer. The applicant shall submit a specification job-mix formula to the engineer for approval prior to starting the work. All

work to conform to Standard Specifications for Highways and Bridges of the Massachusetts Department of Public Works, 1988.

(b) Minimum Depth Requirements After Compaction

<u>Type Street</u>	<u>Binder Course</u>	<u>Finish Course</u>
Major	3 inches	3 inches*
Secondary	3 inches	1 1/2 inches
Minor	3 inches	1-1/2 inches
Limited Residential	2-1/2 inches	1-1/2 inches

* Maximum lift to be 1 1/2"

I. Sidewalks

Sidewalks shall have a finished grade in relation to the roadway as shown on the "Typical Road Cross Sections" and shall be constructed of Bituminous Concrete in accordance with the Department's Specifications subject to the approval of the engineer. The gravel foundation shall be a minimum of twenty-four (24) inches in compacted thickness and shall otherwise conform to the requirements of the roadway foundation. Sidewalk paving to consist of 2" binder course and 1 1/2" finish course, for a total of 3 1/2".

J. Curbing

- (1) Vertical granite curbing shall be installed along the edge of the roadway where, in the opinion of the Planning Board, such curbing is necessary to control surface run-off, or prevent serious erosion, or for safety or other similar purposes.
- (2) Where vertical granite curbing is installed, all curb inlets for catch basins shall be granite mouth curbing.
- (3) Vertical granite curbing shall conform to the Commonwealth of Massachusetts Standard Specifications 1988 for granite curb.
- (4) Except as otherwise required in this section, bituminous concrete curbing (Cape Cod berms), vertical granite, sloped granite, or granite curbing shall be provided along both sides of the roadway. Where versicle granite curbing meets bituminous Cape Cod berms, suitable granite transitions shall be constructed.
- (5) Sloped granite curb, Type SB, is to be used on all grades of approximately seven percent (7%) or greater.

K. Grass Plots, Hydrants, Light Poles, Transformers, Junction Boxes and Fire Boxes

- (1) A grass plot shall be provided on each side of all roadways between the edge of the roadway and the sidewalk. The finished grade of the grass plot in relation to the finished grade of the roadway shall be as shown on the "Typical Road Cross Sections".
- (2) Light poles and hydrants shall be placed within the grass plot and shall not be closer than two (2) feet from the edge of the roadway. Transformers and junction boxes for

underground wiring and telephone shall be located outside of the right of way in easements permitting access for maintenance purposes. (See Hingham Municipal Light Plant, Specifications for Underground Installation of Electric Power Circuits in the Town of Hingham New Developments, 1977 or as amended) Fire alarm boxes shall be located according to the specifications of the Fire Chief either in the grass strip or in easements outside of the right of way.

- (3) No mailboxes in right of way.
- (4) The top six (6) inches of grass plots and side slopes (cut or fill) shall be good quality loam as approved by the engineer and shall be screened, raked and rolled with a hand roller to finished grade. The loam shall be seeded with lawn grass seed applied in sufficient quantity and quality to assure adequate coverage and rolled when the loam is moist.

L. Street Trees

Street trees, not less than twelve (12) feet in height and of a species approved by the Superintendent of Public Works, shall be planted on each side of every street in the subdivision wherever, in the opinion of the Planning Board, existing woodlands or individual trees are not retained. Trees shall be located within a ten (10) foot continuous easement adjacent to the right of way and at such distance therefrom and spacing as the Superintendent of Public Works shall specify in accordance with general practice in the Town.

M. Side Slopes

The areas of cut or fill outside the traveled way shall be sloped as follows until it intersects the finished grade of the abutting lots, except as may be required for sidewalks and except where, in the opinion of the Board, slopes in excess of the following are warranted to mitigate impact upon wetlands or other natural features:

<u>depth/height of cut/fill</u>	<u>maximum permissible rate of slope</u>
less than 4 feet	6 to 1
4 feet to 10 feet	4 to 1
more than 10 feet	2 to 1

Where fill slopes equal or are greater than 3 to 1, a guardrail shall be placed at a distance no less than four (4) feet from the edge of traveled way. The detail should include rail, posts and cable. The guardrail section shall include a 16' approach to begin 16' prior to the 3 to 1 slope. An example of an appropriate guardrail is shown in Figure 4.

N. Monuments

Granite monuments with the letters HHB (Hingham Highway Bound) engraved into the top shall be set at all street intersections, at all points of change in direction or curvature of streets, and at other points where, in the opinion of the Board, permanent monuments are necessary.

On every new street in a subdivision, at least one of the highway bounds shall be established as a bench mark based on mean sea level, and the location of such reference bound shall show on the layout plan required by Section 3,C.,(2),(n) of these Regulations.

Monuments shall be at least four (4) by four (4) inches and shall extend a minimum of three and one-half (3 1/2) feet below finished grade to not more than six (6) inches above finished grade, except that bounds located in lawns shall be of materials approved by the Planning Board, and shall be set with the top flush or slightly below finished grade and except that bounds set in driveways, sidewalks or other paved areas shall be constructed of a 2" brass rod extending 3' into the ground and shall be set flush to finished grade.

O. Street Signs

Street signs of the type commonly used on public ways of the Town and bearing the names of the intersecting streets as indicated on the Definitive Plan shall be erected at all intersections of streets in the subdivision. Such signs shall be subject to the approval of the Board.

P. Cleaning Up

The entire area of the subdivision shall be cleaned up so as to leave, in the opinion of the Board, a neat and orderly appearance free from debris and other objectionable materials. All catch basins and manholes shall be cleaned out.

Following the completion of this and other items of work as required herein, a final inspection will be made.

Q. Maintenance

If released from restrictions with regard to sale of lots or building on lots by the posting of a performance bond, deposit or Letter of Credit, the applicant shall maintain the roadway (snow and ice control, street sweeping, drainage) for vehicular traffic in a manner satisfactory to the Board. Further, the subdivider shall maintain the roadway in a subdivision in a condition which meets all the above requirements to the satisfaction of the Board, either until acceptance of the way by vote of the Town, or for a period of one year from the date of release of check, bond, or all restrictions pertaining to the subdivision. All construction equipment/materials related to the development shall not be allowed to be stored or left standing within the right of way. All roadway construction related equipment/materials shall be placed so as to allow for the safe and efficient passage of vehicular/pedestrian travel/ traffic.

SECTION 6

INSPECTION

A. General

- (1) All work performed as a consequence of these Rules and Regulations shall be subject to the review of the Board which shall approve and accept or disapprove and reject each phase or portion of such work and at completion shall recommend the acceptance of all work or disapproval of the work with reasons therefor. The Board will employ a Registered Professional Engineer in the inspection of the work to insure compliance with these Rules and Regulations and to report to the Board his recommendations as to approval or disapproval of the work. Such engineer will make certain inspections as prescribed herein in order to check the adequacy of the work at various stages prior to such work being covered by subsequent work. However, the Board, its engineer, and such other persons as the Board may designate shall have the right to inspect the work any time. Therefore, the applicant shall at any time provide safe and convenient access to all parts of the work for inspection by the Board or its engineer.

Inspection by the Board's engineer does not in any way limit the right of the Board to require or direct the applicant to rectify, correct or alter any portion of the work, deemed in the opinion of the Board, upon receipt of evidence or facts leading the Board to conclude as such, that further work is necessary to satisfactorily complete and satisfy the plan as approved by the Board.

- (2) All work which has been disapproved or is not acceptable to the Board shall be removed and replaced or otherwise corrected to the point of complying with the requirements of the Board for acceptance. Any work which has been covered by subsequent work prior to acceptance, or is otherwise not available or obscured to the point of rendering inspection of the work difficult, shall be considered to be not acceptable to the Board. Such subsequent work shall be removed as directed by the Planning Board to insure availability of the work to be inspected as required herein. The release of the performance guarantee shall depend upon the acceptance of all work prescribed herein and on the Definitive Plan and as directed by the Board.
- (3) At points indicated in Section 5 and as further described hereinafter, the construction of the required improvements shall be inspected by the Board's engineer, and unless approval of the work completed, including approval of materials used, to each such point has been given in writing, no further work shall be commenced. Such inspections may include the taking of certain samples for laboratory analysis or testing, in such cases, the applicant shall insure that the engineer is in no way hindered or obstructed in the course of obtaining such samples. Where such samples are removed from the completed work, the applicant shall replace and restore such work, to the satisfaction of the engineer, to its condition prior to the taking of the sample.

The Planning Board or its engineer may require certified copies of delivery receipts or bills of lading or other certification as to the description of materials used or incorporated in the work. The Planning Board or its engineer may also require a sample of any materials or supplies

which may be incorporated in the work; such samples shall be furnished at the expense of the applicant, and the applicant shall be liable for all costs and fees incurred by the Board as a result of testing such materials.

B. Notification to the Engineer

- (1) After approval of the Definitive Plan and subsequent to the receipt by the Board of the fee required in Section 3,C.,(9), the Board will notify the applicant of the name and address of the engineer designated to perform the inspections as required herein. The applicant shall keep the Planning Board and a representative of the Hingham Department of Public Works fully informed as to the status and progress of the work and shall notify the engineer, through the Planning Administrator, (by mail or in-person telephone) at least two (2) business days in advance, that the work has progressed to a stage that an inspection is required. Cancellation of inspection with less than one (1) business day notice will result in an inspection fee charge of \$300.00.
- (2) In the event that the engineer is unavailable to provide inspection services within two (2) business days of the applicant's request, the Planning Board may designate a substitute engineer.
- (3) In the event the engineer makes an inspection of the work at the time designated and finds that such work is not at the proper stage of completion or that the work has been covered or otherwise obscured, the engineer shall notify the applicant and the Board as to the additional steps the applicant shall take to complete the work to the point required or to the extent the work shall be uncovered or exposed to full view. The applicant shall notify the Board again when the work is ready as prescribed in Section 6,B.,(1).
- (4) The applicant shall be liable for all costs and fees incurred by the Board as a result of requests by the applicant for an inspection of the work which, in the opinion of the Board, was not at an acceptable stage of completion for such inspection.
- (5) To defray the cost of each re-inspection of the same improvement caused by the failure of such improvement to meet the applicable specifications, the applicant shall at the time of each request for each subsequent inspection, pay to the Town of Hingham the full amount reasonable necessary to cover the costs of such re-inspections.

C. Lines and Grades

- (1) Prior to the inspection of any phase of the work, it shall be the applicant's responsibility to provide sufficient line stakes and grade stakes to insure that a proper inspection may be made. These horizontal and vertical control stakes must be laid out to conform to the lines and grades shown on the approved Definitive Plan or any approved amendment thereto.
- (2) The engineer will advise the Board at any time during the construction if, in his opinion, he believes that the work has not been laid out to the lines and grades as shown on the Definitive Plan. In such cases, the Board will proceed as described in Section 5,B.
- (3) Any costs which, in the opinion of the Board, are the responsibility of the applicant as noted in Section 5,B. shall be in addition to the fees required elsewhere herein.

D. Inspection of Required Improvements

The following inspections of the required improvements will be made by the Board's engineer. These inspections may be in addition to any other inspections the Board may make or cause to be made.

- (1) First Inspection An inspection will be made of the work upon completion of all clearing, grubbing and excavation and all work incidental thereto as may be required or implied in Section 5,C. No fill shall have been placed at the time of this inspection.
- (2) Second Inspection An inspection will be made of the outfall, which shall be laid as the first part of the drainage system, and which shall be placed above the ten year flood elevation, or at higher elevation if required by the Planning Board (Section 4,C.,(3),(d)). The engineer shall be satisfied that the placement of the outfall is consistent with the requirements of these Regulations, the Definitive Plan and the existing conditions of the site. Upon approval, the engineer shall require that the outfall be permanently set to the line and grade approved and shall require that the applicant, either at that time or prior to the third inspection, submit certification of the final invert elevation at the outfall.
- (3) Third Inspection An inspection will be made of the completed drainage system (without backfill) as required or implied herein or on the Definitive Plan. At the same time, or such other time as the work may be available, an inspection will be made of the completed municipal services (without back fill) as required on the Definitive Plan. The inspection of the required municipal services will be made by the agency responsible for the particular service. Each agency so involved will notify the Board's engineer of the approval of such work.
- (4) Fourth Inspection An inspection will be made of the compacted fill as specified in Section 5,F. and as may be required to bring the roadways to their proposed grades. The applicant shall notify the engineer as to his source of gravel for fill as soon as such information is known, so that samples may be taken and analyzed by the engineer. The applicant is hereby advised not to proceed with the filling operation until such time as the engineer notifies the applicant that the gravel proposed for the fill is acceptable. If the applicant proceeds with the fill prior to such notice, he does so at this own risk. The applicant shall not use a gravel source other than the one designated without prior notice to the engineer.
- (5) Fifth Inspection An inspection will be made of the first six (6) inch layer of compacted roadway foundation as specified in Section 5,G. A gravel sample or samples may be taken at the option of the engineer, in the same manner as prescribed for the Fourth Inspection.
- (6) Sixth Inspection An inspection will be made of the final six (6) inch layer of compacted roadway foundation. Where precast concrete or granite curb is to be used, it shall be installed prior to this inspection.
- (7) Seventh Inspection An inspection shall be made of the completed bituminous concrete base course prior to the placement of the surface course.
- (8) Eighth Inspection An inspection will be made of the completed Class I Bituminous Concrete Pavement Type I-1 for the roadway surface. Samples of the mix may be taken by

the engineer for purposes of performing a penetration test in order to compare the sample with the job-mix formula previously submitted.

- (9) Ninth Inspection An inspection will be made of all work as required on sidewalks, curbing, grass plots, side slopes, monuments, bounds and street signs.
- (10) Tenth Inspection A final inspection will be made of all subsequent work as required herein or on the Definitive Plan to include the final clean-up.

E. Engineer's Report

- (1) The engineer will submit a completed report to the Board for each way in a subdivision. Such report will be similar to that given herein and will be augmented by such additional information as the Board may require to describe any special problems or situations which may arise during the construction of the required improvements.
- (2) The engineer will report to the Board that in his or her opinion the work has been performed in accordance with these Rules and Regulations and the Definitive Plan, or the engineer will advise the Board that the work is not acceptable with the reasons therefore. Notwithstanding such an opinion by the engineer, the Planning Board is the final authority as to the sufficiency of the work done.
- (3) At any time during the progress of the work, the engineer will advise the Board, immediately, of any factors which may adversely affect the progress of the work.
- (4) The engineer's inspection report will be submitted to the Board in the following form:

HINGHAM PLANNING BOARD

R1 - Report of Inspection for Construction of Required Improvements

Subdivision Name _____
Applicant _____ Phone _____
Road Contractor _____ Phone _____
Name of Street _____ From Station _____ To Station _____

Date	Inspection	Engineer's signature on each line is a certification of compliance with the Definitive Plan and Subdivision Rules and Regulations
1____20__	Clearing, Grubbing and Excavation	_____
2____20__	Drainage outfall Permanently Set	_____
3____20__	Total Drainage System and Municipal Services	_____
4____20__	Compacted Fill	_____
5____20__	First Foundation Layer	_____
6____20__	Second Foundation Layer	_____
7____20__	Bituminous Concrete Base Course	_____
8____20__	Bituminous Concrete Class I Surface Course	_____
9____20__	Sidewalks, Curbing, Monuments, Grass, Etc.	_____
10____20__	Final Inspection, Clean-up, Etc.	_____

The Following Tests were Performed
(Report Attached Hereto)

Date of Test	Type of Test	Signature Certifying Acceptance of Results
--------------	--------------	--

HINGHAM PLANNING BOARD

R2 - Certificate of Construction and Performance

Subdivision Name _____

Applicant _____ Phone _____

Engineer _____ Phone _____

(The engineer responsible for inspecting the work will make one of the two alternative certifications below, with appropriate entries and deletions, upon completion of all required inspections and re-inspections):

I, _____, certify that the Subdivision described above has (has not) been constructed in conformance with the Definitive Plan and all amendments, and the Rules and Regulations of the Planning Board (and that the ways, utilities, drainage and municipal services have been installed to line and grade as shown in the Definitive Plan so that a waiver of "as-built" plans is recommended).

Professional Engineer's Stamp

Date _____ Signature _____

I, _____, certify that with the exception of minor changes shown on the attached plans, the line and grade of ways, utilities, drainage and municipal services is as shown on the Definitive Plan, so that, with the attached drawings, a complete record is available and "as-built" drawings may be waived.

Professional Engineer's Stamp

Date _____ Signature _____

FORM A

APPLICATION FOR ENDORSEMENT

OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Hingham, MA, _____, 20____

To the Planning Board:

The undersigned, believing that the accompanying plan of his property in the Town of Hingham does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

For the following reasons:

1. Name of Applicant _____

Address _____

Telephone (Home) _____ (Work) _____

2. Name of Engineer or Surveyor _____

Address _____

3. Deed of Property recorded in _____ Registry of Deeds, Book _____ Page _____
(county)

4. Location and Description of Property _____

5. Date of Filing of this Application with the Town Clerk _____

Signature of record owner(s) _____

Print name of record owner(s) _____

Address _____

Telephone (Home) _____ (Work) _____

Note: The Applicant must submit with this application all of the data and documentation required by Section 3A of the Rules and Regulations of the Planning Board. The application needs to be stamped by the Town Clerk before submitting to the Planning Board.

CHECKLIST FOR FORM A APPLICATIONS

The following checklist shall be completed in its entirety and be submitted with the Form A as a part of an Approval Not Required Subdivision Application:

FORM A REQUIREMENTS FOR APPROVAL: _____

- _____ Application fee of \$100.00 (made out to the Town of Hingham) for each Form A application
- _____ Scale: 1" = 40'
- _____ Date of plan
- _____ North point
- _____ Reference to Assessor's plan number
- _____ Reference to recently recorded plans for the parcel
- _____ Name of the person for whom the plan is prepared or name of the applicant
- _____ Name of engineer or surveyor preparing the plan:
 - _____ Seal
 - _____ Signature
- _____ Flood Plain and Watershed Protection District
- _____ Area of flood plain included within each lot
- _____ All other wetlands and flood plain
- _____ Lots: area, frontage and dimensions of all whose dimensions are altered by the plan
- _____ Area, frontage dimensions and bearings of all proposed lots
- _____ Contiguous lots in common beneficial ownership with land that is the subject of the plan
- _____ Locus plan at a scale of at least 1" = 800'
- _____ Streets bounding or near the property
- _____ For a compiled plan:
 - _____ identity of plans from which compiled
 - _____ identity of each plan referenced or relied upon by the plan
 - _____ title
 - _____ date
 - _____ person who prepared the plan
 - _____ date of preparation
 - _____ approval by Planning Board
 - _____ recorded reference to the plan in the Registry of Deeds or Land Court
- _____ Circle for frontage
- _____ Upland area for all lots
- _____ Setbacks for all existing structures
- _____ Zoning District

The plan should include the following note:

ENDORSEMENT OF THIS PLAN DOES NOT CONSTITUTE AN INTERPRETATION OF ZONING.

If applicable the plan should also include the following language:

THE WETLANDS DELINEATION LINE AS DEFINED BY THE WETLANDS PROTECTION ACT, CHAPTER 131, SECTION 40, AND THE TOWN OF HINGHAM CONSERVATION COMMISSION BY-LAWS HAS NOT BEEN VERIFIED BY THE HINGHAM CONSERVATION COMMISSION OR APPROVED BY THIS ENDORSEMENT.

FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

Hingham, Mass., _____ 20__

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Hingham for consideration as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Hingham.

1. Name of Subdivider _____

Address _____

2. Name of Engineer or Surveyor _____

Address _____

3. Deed of Property Recorded in _____ Registry,

Book _____ Page _____

4. Location and Description of Property _____

Signature of record owner _____

Address _____

Note: File one completed form with the Planning Board and one copy with the Town Clerk.

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

To the Planning Board of the Town of Hingham:

The undersigned applicant(s) being the owner(s) of all land included within the proposed subdivision shown on the accompanying plan desire(s) to subdivide such land, and submit(s) such plan as a definitive plan for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations governing the subdivision of land of the Planning Board of the Town of Hingham.

- (a) Name and address of Subdivider (if different from that of owner)
- (b) Name and address of Applicant's Engineer and Surveyor
- (c) Deed of Property Recorded in _____ Registry,
Book _____ Page _____
- (d) Said land is described as follows:
- (e) The following are all the mortgages, liens, easements, restrictions and other encumbrances on the whole or any part of said land:
- (f) The following are the easements and restrictions appurtenant to said land over the land of others:
- (g) The applicant(s) covenant(s) and agree(s) for himself (themselves) (itself) and his (their) (its) heirs, executors, administrators, successors and assigns:
 - (1) To construct and complete the proposed ways and all improvements shown on said plan as approved by the Board and to install the drainage system, water pipes, gas pipes and electric lines, and all other municipal services therein required by the Board, within _____ months from the date of this application.
 - (2) To construct and complete said ways and improvements and to install said municipal services, in accordance with the Rules and Regulations of the Board in force at the date of this agreement and in accordance with the specifications set forth in Section 5 of these Rules and Regulations.
 - (3) That before the approval of the plan to which this application relates becomes effective he (they) (it) will cause to be filed with the Board a duly executed bond or deposit or Letter of Credit in a form satisfactory to the Board, to secure performance of and compliance with all agreements, conditions and requirements contained in his (their) (its) application, or imposed by the Board, in accordance with law and the Rules and Regulations of the Board, in a sum equal to the full cost of constructing said ways and all improvements and installing said services, as estimated by a person satisfactory to the Board, and secured by an irrevocable Letter of Credit drawn upon a Massachusetts lending institution in an amount sufficient in the opinion of the Board to secure performance.

OR THIS -

- (3) The applicant(s) request(s) that the Board approve the plan to which this application relates without requiring a bond, on condition that no lot in the subdivision shall be sold and no building shall be erected or placed on any lot therein until said ways and all improvements are completed and said municipal services are installed, in accordance with the specifications laid down by the Board, so as adequately to serve such lot, and he (they) (it) agree(s) that in the event of such approval, he (they) (it) will obey and comply with such condition until performance with the requirements thereof is evidenced by a certificate of the Board.
- (4) That if this application is approved, he (they) (it) will cause the plan to which it relates to be recorded in the Registry of Deeds of Plymouth County or filed with the Recorder of the Land Court within thirty (30) days after such approval and that he (they) (it) will not sell or offer to sell any of the lots within the subdivision until such plan is so recorded or filed.
- (h) This application is accompanied by an original drawing of the definitive plan and all other data, plans, and maps required, and twelve print copies of each, all on the forms or in the manner prescribed by the Board and a fee of _____().

Witness the signature(s) and seal(s) of the undersigned this _____ day of _____, 20____.

Assented to:

_____ Mortgagees

FORM D

PERFORMANCE BOND - SECURED BY DEPOSIT

Know all men by these presents that _____

of _____, _____

hereby binds and obligates himself/itself and his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Hingham, a Massachusetts municipal corporation, in the sum of _____ dollars, and has secured this obligation by the deposit with the Treasurer of said Town of Hingham of said sum in money or negotiable securities.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns shall fully and satisfactorily observe and perform in the manner and in the time therein specified, all of the covenants, conditions, agreements, terms and provisions contained in the application signed by the undersigned and dated _____, 20____, under which approval of a definitive plan of a certain subdivision, entitled _____

_____ and

dated _____, 20 ____, has been or is hereafter granted by the Hingham Planning Board, then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid security for said sum shall become and be the sole property of said Town of Hingham as liquidated damage.

IN WITNESS WHEREOF the undersigned has hereunto set his hand and seal this _____ day of _____, 20____.

FORM E
COVENANT

THE UNDERSIGNED _____

of _____, County, Massachusetts, hereinafter called the

"Covenantor", having submitted to the Hingham Planning Board a Definitive Plan of a subdivi-

sion, entitled _____ dated

_____ made by _____ does

hereby, in consideration of the approval of said plan by said Planning Board and the successors in office of said Board, pursuant to G.L. (Ter. Ed.) C., 41, Sec. 81U, as amended, that:

1. The covenantor is the owner of record of the premises included in the subdivision shown on said plan, and there are no mortgages of record or otherwise on said premises except such as are described below and are subordinated to this covenant.
2. This covenant shall run with the land included in said subdivision and be binding upon the executors, administrators, heirs and as signs of the covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with said plan as approved by said Board and the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon the approval of said plan;
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.
7. It is understood that lots within said subdivision shall, respectively, be released from the foregoing conditions upon recording of a Certificate of Performance signed by a majority of said Planning Board and enumerating the specific lots released.

The undersigned _____ wife, husband, of the covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this _____ day of _____, 20____.

Description of Mortgages: _____

Each of the undersigned hereby agrees that the mortgages held by it (him) on said premises shall be subordinate to the above covenant.

COMMONWEALTH OF MASSACHUSETTS

_____, ss. _____ 20 ____.

Then personally appeared _____ and acknowledged the foregoing instrument to be _____ free act and deed, before him.

Notary Public

My Commission expires: _____

FORM F
AGREEMENT

This agreement made this _____ day of _____, 20 ____,
by and between the Planning Board of the Town of Hingham, Plymouth County, Massachusetts,
hereinafter called the Board; _____ of _____,
_____, hereinafter called the Applicant; and _____,
_____, having its usual place of business in
_____, _____ County, Massachusetts, hereinafter
called the Lender.

WHEREAS by a covenant between the Board and the Applicant, dated _____,
duly recorded by the Applicant, in Plymouth County Registry of Deeds, Book _____, Page
_____, running with the land, Lots Nos. _____, as shown on a plan, approved by
the Board on _____, 20____, entitled _____
" _____ " dated _____,
and being filed as Plan Nos. _____ in Plan Book _____, in the Plymouth County
Registry of Deeds, cannot be built upon or conveyed, other than by mortgage deed, until comple-
tion of the construction of ways and the installation of municipal services serving such lots, in
accordance with said plan and the Rules and Regulations of the Board.

WHEREAS the Applicant, as security for monetary advances to be made to the Applicant by the
Lender, has given a first mortgage dated _____, recorded in the Plymouth
County Registry of Deeds, Book _____, Page _____, to the Lender covering (all of the
premises or Lots Nos. _____) as shown on said plan.

NOW, THEREFORE, the parties hereby agree, in accordance with the provisions of Chapter 41, section 81U of the General Laws of the Commonwealth of Massachusetts, as follows:

1. The Board agrees with the Applicant to release, by a separate document to be recorded, Lots _____, as shown on said plan, from the operation of said covenant.
2. The lender agrees with the Board that it tenders an Irrevocable Letter of Credit Number _____ in the sum of _____.
3. The lender further agrees, that in the event all of said work is not completed within 24 months from and after the date thereof, all of the said sum shall be applied for completion of said work (to the full extent required for such completion) in such manner as the Board shall direct.
4. The Applicant agrees that the construction of said ways and the installation of said municipal services shall be done in accordance with the Rules and Regulations of the Board and with the requirements of said plan as approved by the Board.

FORM G

CERTIFICATE OF PERFORMANCE

(Covenant Approval Release) Hingham, Massachusetts, _____, 20____

The undersigned, being a majority of the Planning Board of the Town of Hingham, Massachusetts, hereby certify that the requirements for work on the ground called for by the Covenant dated _____, 20 ____, and recorded in Plymouth District Deeds, Book _____, Page _____, (or registered in Plymouth Land Registry District as Document No. _____, and noted on Certificate of Title No. _____, in Registration Book _____, Page _____) have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled _____ recorded with said Deeds, Plan Book _____, Plan _____, (or registered in said Land Registry District, Plan Book _____, Plan _____) and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said Plan as follows:

_____ Majority of the
Planning Board
of the Town of
Hingham

COMMONWEALTH OF MASSACHUSETTS

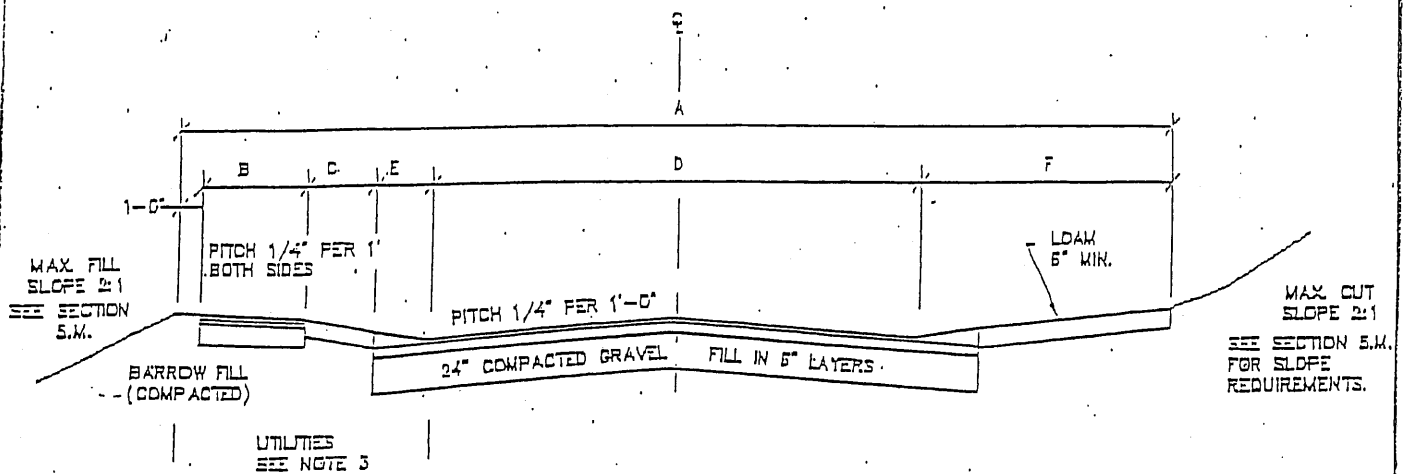
_____, ss. _____, 20____

Then personally appeared _____, one of the above named members of the Planning Board of the Town of Hingham, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

Notary Public

My Commission expires: _____

FIGURE 1
TYPICAL ROAD CROSS SECTION



TYPE OF STREET	RIGHT OF WAY A	SIDEWALK B	GRASS STRIP C	ROADWAY PAVEMENT D	BERM E	F
MAJOR	70'	5' EACH SIDE	7'	40'	24"	15'
SECONDARY	55'	5' ONE SIDE	5.5'	28'	24"	13.5'
MINOR	45'	5' ONE SIDE	4.5'	22'	18"	12'
LIMITED RESIDENTIAL	40'	NOT REQUIRED	2.5'	18'	18"	11'

NOTES:

1. ALL LEDGE AND BOULDERS ABOVE SUBGRADE TO BE REMOVED.
2. SLEEVE FOR HOUSE UTILITY CONNECTIONS SHALL BE LOCATED AS DIRECTED BY BOARD.
3. ALL UTILITIES EXCEPT SEWERS SHALL BE PLACED OUTSIDE THE ROADWAY PAVEMENT WHERE, IN THE OPINION OF THE BOARD, IT IS POSSIBLE TO DO SO.
4. UTILITY POLES AND HYDRANTS TO BE LOCATED IN GRASS STRIPS.
5. ELECTRIC HANDHOLES TO BE LOCATED IN MIDDLE OF SIDEWALK (WHERE APPLICABLE). TRANSFORMERS AND JUNCTION BOXES TO BE LOCATED OUTSIDE THE RIGHT OF WAY IN EASEMENTS. FIRE ALARM BOXES TO BE LOCATED IN GRASS STRIPS OR IN EASEMENTS OUTSIDE THE RIGHT OF WAY.
6. SEE SECTION 4.B.(3)(a) FOR REQUIREMENTS FOR SUPERELEVATION.
7. SEE SECTION 5.H. AND I. FOR PAVEMENT SURFACE REQUIREMENT.
8. SEE FIGURE 4 FOR GUARDRAIL DETAIL.

FIGURE 2
TURNAROUND AND ISLAND PLAN
(MINIMUM REQUIREMENTS)

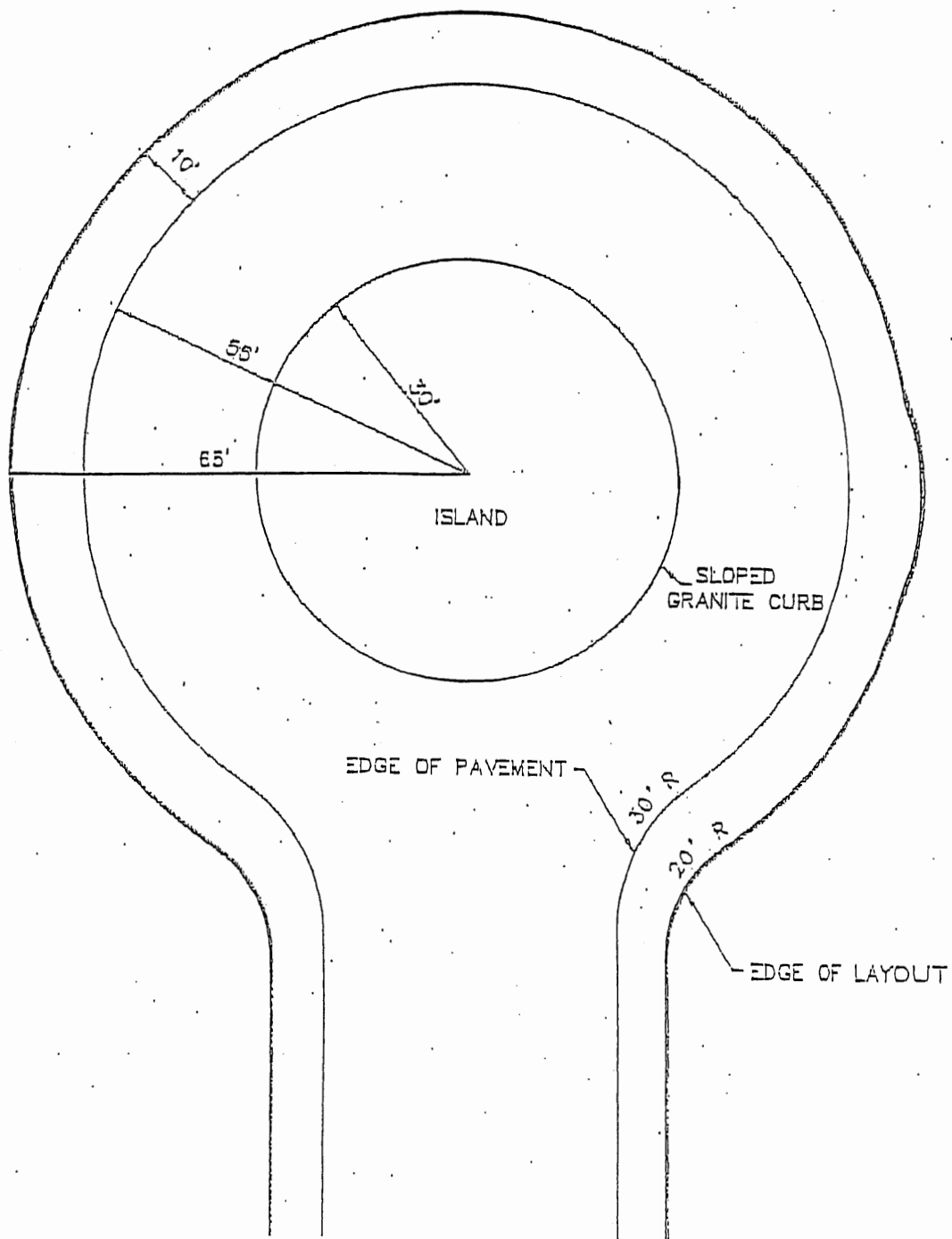


FIGURE 3
EXAMPLE STORMWATER FLOW CHART
 NOT TO SCALE

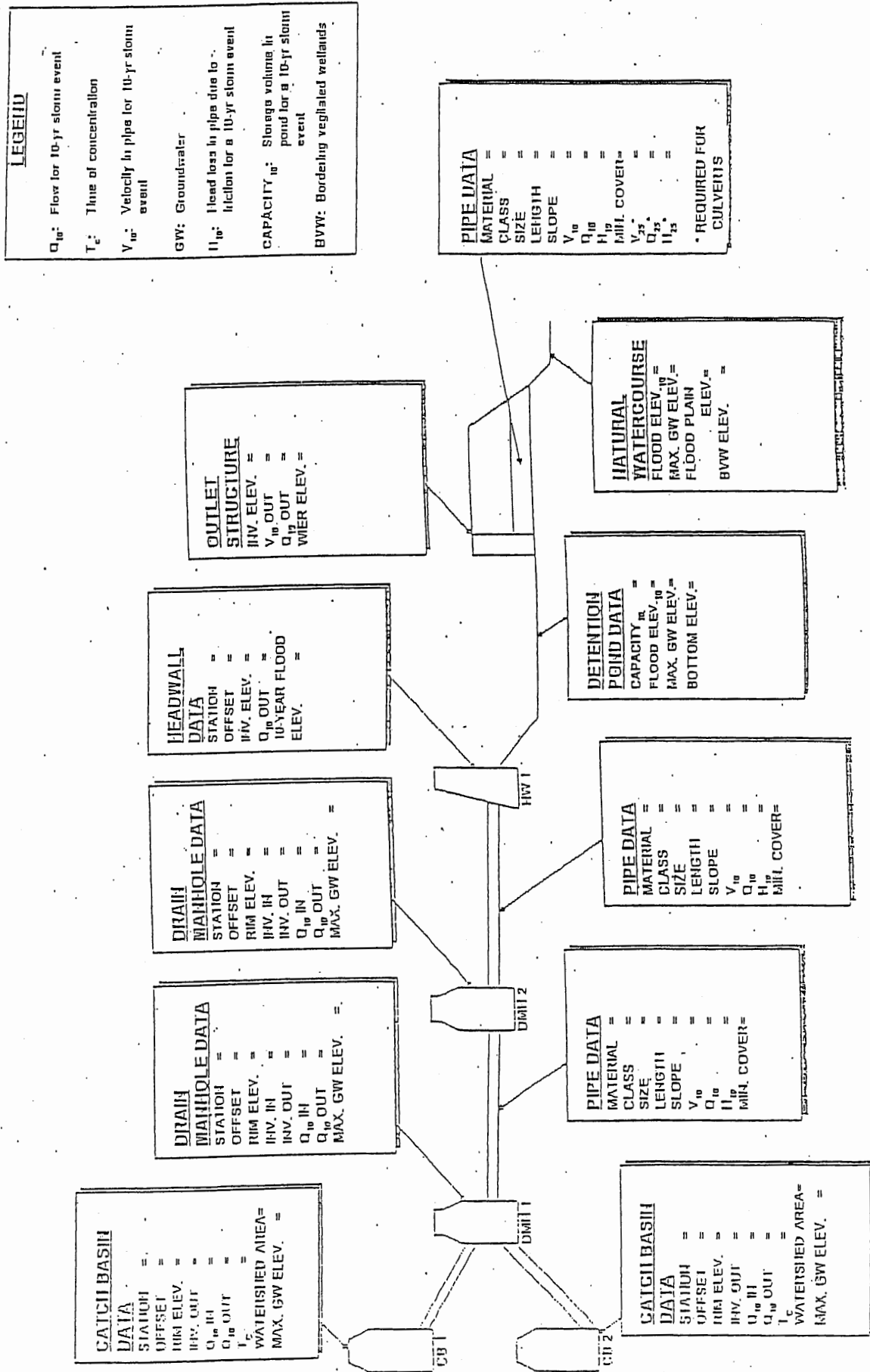
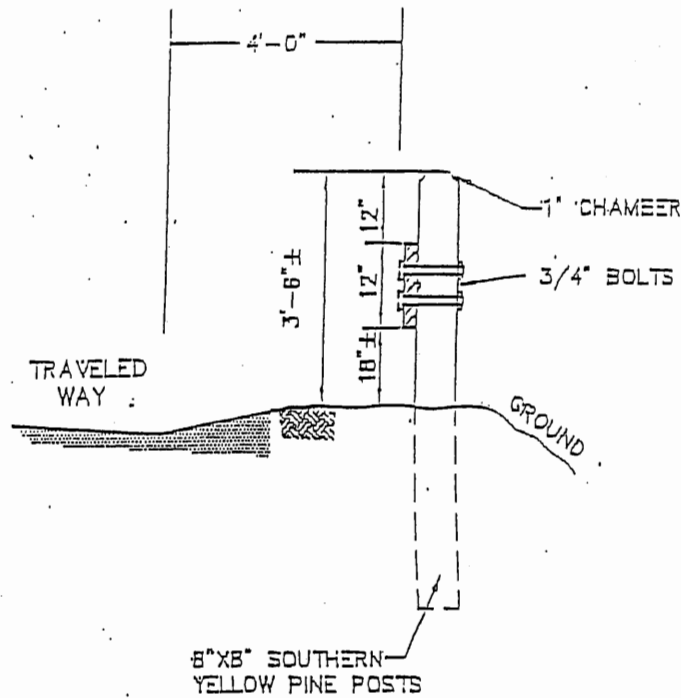


FIGURE 4
WOODEN GUARDRAIL
NOT TO SCALE



- NOTES: 1. ALL WOOD TO BE PRESSURE TREATED
CONFORMING TO AASHTO M133 AND
APPLICABLE EPA OR DEQE REGULATIONS.
2. ALL HARDWARE TO BE GALVANIZED

